

Local Development Plan 2032

Part 2: Plan Strategy

September 2023

LCCC
Lisburn & Castlereagh City Council

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PREAMBLE

Part Two of this Plan Strategy sets out Lisburn & Castlereagh City Council's Operational Policies that will be taken into account in the determination of all planning applications, appeals and enforcement.

In accordance with the Planning Act (Northern Ireland) 2011 these operational policies take account of the Regional Development Strategy (RDS) 2035 and have regard to the Strategic Planning Policy Statement (SPPS) for Northern Ireland and other relevant regional and local policy and guidance.

The purpose of these operational policies is to ensure the orderly and consistent development of land in accordance with the plan objectives contained in Part One of the Plan Strategy. The determination of planning applications must be in accordance with the provisions of the Plan Strategy and these operational policies, unless material considerations indicate otherwise.

For the purposes of ensuring sustainable development these operational policies must not be read in isolation from one another. Proposals must comply with all policy requirements contained in the operational policies, where relevant to the development.

The Department for Infrastructure (DfI) is responsible for the processing of regionally significant planning applications submitted under Section 26 of the Planning Act. The Department also has the power to call in planning applications from councils under Section 29 of the Planning Act. In such cases, DfI will act as the planning authority in the determination of a planning application. Any reference in these operational policies to the 'Council' as the planning authority should be taken to imply the 'Department' for the purpose of determining such planning applications. The Planning Appeals Commission is also responsible for the determination of planning applications in accordance with various sections of the Planning Act.

Any reference in these operational policies to the 'Department' should be read as being the Department for Infrastructure (DfI) or its predecessor departments unless otherwise stated.

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Part 1, Chapter 2 (Existing Development Plans) of this Plan Strategy.

Upon adoption of the Plan Strategy, the Development Plan is the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulations state that the old Development Plans will cease to have effect on adoption of the new Local Development Plan (LDP) at Local Policies Plan (LPP) stage.

Please refer to the Glossary for terminology used throughout this document.

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A: A Quality Place

Enabling Sustainable Communities and Delivery of New Homes

1. HOUSING IN SETTLEMENTS

HOU1 New Residential Development

Planning permission will be granted for new residential development in settlements in the following circumstances:

a) on land zoned for residential use
b) on previously developed land (brownfield sites) or as part of mixed-use development
c) in designated city and town centres, and within settlement development limits of the city, towns, greater urban areas, villages and small settlements
d) living over the shop schemes within designated city and town centres, or as part of mixed use development.

The above policy applies to all residential uses as set out in Part C of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended).

Justification and Amplification

The Council will accommodate new residential development in appropriate locations within settlement limits in accordance with this policy.

Previously developed land, commonly referred to as brownfield sites (defined in the Glossary), are those which are, or were occupied by a permanent structure within the settlement limit. Such sites may include vacant or derelict lands; occupied by redundant or underused buildings; abandoned or underused industrial or commercial property and vacant infill sites. Development proposals on brownfield sites, particularly in established residential areas will be carefully considered against the relevant housing policies to ensure existing residential character, amenity and privacy of residents is not adversely impacted upon.

The Council encourages residential development within the designated city and town centres of the Plan area as such schemes can contribute to regeneration, vitality and viability.

Centrally located housing is environmentally sustainable, utilises existing infrastructure, and encourages walking, cycling and use of public transport, contributing to active travel. Residential use can revitalise the physical fabric of centres by re-use of vacant buildings and the redevelopment of derelict lands within centres. Opportunities to introduce housing within existing centres can be achieved by full or partial conversion of existing buildings, living over the shop schemes above shop and business premises and the provision of dwelling units in mixed use development schemes.

HOU2 Protection of Land Zoned for Housing

Planning permission for alternative uses on zoned housing land, where not identified as a Key Site Requirement (KSR), will only be granted in the following circumstances:

a) the proposed use is compatible with the housing zoning, it meets a demonstrable community need and it cannot be provided on a suitable alternative site

b) the nature, size and scale of the alternative use is, and will remain, ancillary to the main use of the land for housing.

Justification and Amplification

Alternative uses on zoned housing land can provide local community facilities such as schools, crèches, surgeries, local shops and leisure facilities. Such uses can encourage a

sense of community and place and relieve pressure on existing community infrastructure within the wider residential area.

In all cases proposed alternative uses must comply with criteria a), b), g), h), i), j) and l) of Policy HOU4 to ensure there are no detrimental impacts on the privacy or amenity of existing or proposed residential properties.

HOU3 Site Context and Characteristics of New Residential Development

Planning permission will be granted for new residential development where it will create a quality and sustainable residential environment which respects the existing site context and characteristics. An overall design concept, in accordance with Policy HOU6 must be submitted for all residential proposals and must demonstrate that a proposal draws upon the positive aspects of, and respects the local character, appearance and environmental quality of the surrounding area.

Proposals for residential development will be expected to conform to all the following criteria:

a) the development respects the surrounding context, by creating or enhancing a local identity and distinctiveness that reinforces a sense of place, and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas

b) archaeological, historic environment and landscape characteristics/features are identified and, where appropriate, protected and suitably integrated into the overall design and layout of the development.

For new residential development in areas of distinctive townscape character, including Conservation Areas and Areas of Townscape or Village Character, an increased residential density will only be allowed in exceptional circumstances. All development should be in accordance with available published space standards.[1]

Justification and Amplification

The Council wishes to secure attractive and sustainable residential development with a high quality of design, layout and landscaping.

Place shaping comes from achieving a balanced response to all the factors influencing a scheme. Housing layouts, with individuality, must respond to a local context by making the most of a site's characteristics and its landscape or townscape setting. Attention to detail and consideration of other matters can contribute to a sense of place, such as the creation of landmarks, public spaces and the use of public art. It encourages pedestrian and cycle movements, makes provision for increased use of public transport, promotes biodiversity and encourages wildlife, integrates open space and, where necessary accommodates local neighbourhood facilities.

It is important that a proposal for residential development is based on a clear design concept. This must be based on a network of spaces rather than a hierarchy of roads to ensure the creation of surroundings with an attractive human scale and a distinctive overall sense of place.

Site Context

The Council will expect developers in preparing layouts to have greater regard to the site context, in particular the characteristics of landform and the townscape or landscape setting.

Proposals should seek to reinforce and evolve local characteristics that are considered positive and attractive, while those urban design features that undermine the overall character of an area should not be replicated nor used as a precedent.

[1] Department for Communities Housing Association Guide 2009: Design Standards

Analysis of context is particularly important for infill housing, back land development or redevelopment schemes in established residential areas. While such development is generally considered to be the least attractive option for residential intensification it can usefully contribute to housing supply. Accordingly, proposals for the sympathetic re-use of existing buildings, as opposed to those involving demolition and redevelopment will continue to be looked at more favourably.

With any new development proposal great care will be needed to ensure that the individual or cumulative effects do not significantly erode the character and amenity of existing areas. To protect environmental quality or residential amenity of existing areas account must be taken of the spacing between buildings, the safeguarding of privacy, the scale and massing of buildings, the use of materials, impact on existing vegetation and landscape design.

Infill housing in established residential areas will not always be appropriate, particularly in many older residential areas with distinctive townscapes. Intensifying the scale and massing of buildings in such areas can adversely affect local character and lead to a loss of valued open garden spaces, mature trees and shrubs. When combined with the impact of ancillary activities such as car parking and refuse storage, such development can undermine the qualities that people value, and damage our built heritage.

Accordingly in assessing housing proposals in Conservation Areas and Areas of Townscape or Village Character, the protection of the existing character and distinctive qualities of the area will be paramount and important views within, into and out of the area are protected. Proposals in these areas will be considered against all of the criteria of Operational Policy HE10.

Site Characteristics

Proposals must respect the individual characteristics/features of the site itself. These include topography, existing buildings, features of the archaeological or historic environment and landscape features such as rivers, streams, trees and hedgerows, which make an important contribution to the biodiversity and ecology of an area. Proposals must identify and, where appropriate, protect and integrate heritage and landscape features into layouts in a suitable manner.

Particular care will be necessary in preparing layout proposals on sloping sites in order to minimise the impact of differences in level between adjoining properties, existing or proposed. The use of prominent retaining walls within and at the margins of sloping sites will be unacceptable. In such cases the Council is only likely to accept low density development which would entail minimal works of excavation.

Developers may also wish to consider the use of specific house designs which respect topography, such as split level dwellings. Where changes in ground level between buildings are unavoidable the Council will generally expect these to be accommodated by the use of planted banks. In all cases developers will need to demonstrate that their proposals will avoid significant overshadowing, overlooking and loss of privacy.

Further information on the Council's policies for the protection of landscape and heritage features can be found in Operational Policies NH1 to NH6 and HE1 to HE14.

HOU4 Design in New Residential Development

Proposals for residential development will be expected to conform to all the following design criteria:

a) the design of the development must draw upon the best local architectural form, materials and detailing

b) landscaped areas using appropriate locally characteristic or indigenous species and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area

c) where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer

d) residential development should be brought forward in line with the following density bands:[2]

- City Centre Boundary 120-160 dwellings per hectare
- Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare
- Settlement Development Limits of Villages and Small Settlements 20-25 dwellings per hectare.
- Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities

e) a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded

f) dwellings should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies to minimise their impact on the environment

g) a proposed site layout must indicate safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way

h) adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points

i) the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance

j) the design and layout should where possible include use of permeable paving and sustainable drainage

k) the design and layout must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and manoeuvrability of waste service vehicles

l) the development is designed to deter crime and promote personal safety.

Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.

2 Refer to Technical Supplement 2, Urban Capacity Study

Justification and Amplification

The Department's publication 'Creating Places – Achieving Quality in Residential Developments' (May 2000) should be taken into account in the application of these policies.

Please note the Supplementary Planning Guidance on design of residential development that will support the implementation of this policy.

Design

The design of house types and other buildings, the relationship between them, their relationship to streets and the spaces created around them will all strongly influence the character of the overall site and its surroundings and contribute significantly to the quality and identity of the new residential environment.

The overall design concept for a new residential environment should provide contrast and interest balanced by unifying elements to provide coherence and identity. As well as greater variety in the spatial form of development this will entail a greater diversity of dwelling form and type to help produce a lively street scene. For example terraced buildings may be used to enclose a space, elsewhere a taller building may be used to create a landmark feature.

Quality design should create variety and contrast within developments in terms of layout, boundaries and planting, and the siting of buildings and spaces around them, to enhance local distinctiveness.

Coherence can be created in the detailed design of the different dwelling types by following the best local architectural form, materials and detailing.

In assessing schemes in designated areas such as Areas of Outstanding Natural Beauty, Conservation Areas and Areas of Townscape Character or Areas of Village Character, the Council will have particular regard to published design guidance.

Many villages and smaller settlements display an essentially rural character, and proposals for housing development in such locations should reflect this in their design, layout and detailing. The overall scale and density of development proposed should also respect the form and character of the settlement.

While it is important to ensure that all new development fits in well with its surroundings this will not preclude quality contemporary design using modern materials. Innovative design and layouts can achieve greater energy efficiency through the orientation of buildings to maximise passive solar gain and the use of renewable energy technologies and sustainable construction techniques.

Landscaping and Private Open Space

The 'greening' of spaces raises the quality of residential development and assists in the promotion of biodiversity and natural drainage of the area. Existing landscape features such as streams, hedgerows or trees must be identified and, where appropriate, retained and suitably integrated. The provision of adequate open space in the vicinity of identified landscape features ensure they are retained and their visual setting protected. Where existing trees are removed the layout must include compensatory tree planting.

The use of vegetation within developments should include a hierarchy of different types of planting such as street trees, garden trees and hedge planting, specimen trees and amenity planting in open spaces. Boundary treatments can significantly affect the overall quality and character of new housing areas. The Council will expect use of appropriate, locally characteristic or indigenous hedge planting and well-designed walls or railings as opposed

to the wholesale use of close boarded fencing. The integration of development at the edges of settlements is also important. Ten metre buffer planting, generally of indigenous species, will be required to help assimilate and soften the impact of development on the countryside which would further enhance biodiversity.

All hard landscape design, including paving areas, means of enclosure and street furniture should be carefully considered and the use of high quality and permeable paving materials will be required.

Developers must carry out all landscape works associated with their schemes and provide establishment, maintenance and ongoing long term management, unless this responsibility is transferred to another appropriate body in a manner formally agreed with the Council.

Well-designed space around buildings can add greatly to the attractiveness of a development. A variety of garden sizes and usable open spaces promotes diversity and gives greater choice for residents. Adequate private open space can be in the form of gardens, patios, balconies or terraces, depending on the characteristics of the development proposed and the surrounding context. All houses will need to provide some in-curtilage open space. Adequate private garden space is particularly important for new family dwellings – generally dwellings with 3 or more bedrooms. For apartment developments private open space may be provided in the form of communal gardens where appropriate management arrangements are agreed.

Density

Density bands provided in Policy HOU4 indicate a density requirement per hectare for housing sites across the Council area. These will be used as a guide to inform development proposals within the relevant settlement areas. Proposals outside of these bands will be considered on their own merits. Increased housing density within town and city centres will be promoted in locations that benefit from high accessibility to public transport facilities, provided they do not harm local character, environmental quality and amenity. In all other established residential areas, development or redevelopment schemes must not unacceptably harm local character, environmental quality or existing residential amenity (see Policy HOU8).

In designated areas, such as Conservation Areas and Areas of Townscape Character or Areas of Village Character increased density will only be allowed in exceptional circumstances where it is demonstrated that a proposal will not harm local character, environmental quality and residential amenity.

On previously undeveloped sites, the need to preserve existing site features and vegetation and the space requirements for communal open areas will all influence development densities. On large sites a range of densities, building forms and a mix of house types will be required to enhance quality and sustainability.

In all cases the overdevelopment of sites will not be acceptable and the Council will expect developers to provide adequately sized dwelling units.[3]

The size of a dwelling is a key factor in defining who can live there and how they use the property, size is therefore particularly important in terms of protecting established residential areas. Whilst a mixture of different types, tenures and sizes of houses (including apartments and townhouses) can assist in the creation of balanced communities, it is critical that all new housing units are sufficiently spacious and therefore the provision of dwelling units with limited internal floor areas can contribute to unacceptable densities in new developments and the wider established area.

Accessible Accommodation

Design standards are encouraged to meet the varying needs of occupiers and be easily capable of accommodating adaptions.

[3] Refer to Supplementary Planning Guidance, Part A: Space Standards for Dwellings

Developers should ensure that a range of dwelling sizes (including internal layout and the number of bedrooms) is provided to meet a range of housing needs that facilitate integration and the development of mixed communities.

Energy Efficiency and Renewable Energy

Modern building techniques and materials can improve energy efficiency and reduce reliance on carbon based fuels. Further energy efficiency can be achieved by designing site layouts so that buildings or windows are orientated to maximise the heating benefits derived from solar gain. The Council will encourage the incorporation of small scale renewable energy technologies (micro-generation) into buildings that can further reduce their carbon footprint. Such micro-generation technologies include solar PV systems, wind turbines, ground source heat pumps and micro combined heat and power installations.

Site Layout and Movement

Having regard to necessary standards for road safety, the layout of new housing developments must not be dominated by roads considerations. All buildings should be located and orientated to front onto existing and proposed roads to present an attractive outlook. The Council will also expect to see greater variety introduced into schemes so that the spaces between houses include tree-lined avenues, crescents, mews, courtyards, lanes and greens. Particular care will be required in the treatment of corner sites within layouts and these should contain specifically designed buildings. Such corner sites and other accessible nodes can often provide ideal opportunities for the use of landmark buildings.

Promoting sustainable movement patterns and active travel can reduce reliance on the private car, foster movement by pedestrians and cyclists, respect existing public rights of way and provide convenient access to public transport and existing or proposed facilities in the vicinity. Such matters must be built into the design from the outset.

Roads are an important element in the design of a development and should be planned and designed to contribute to the overall quality of the development. This can be facilitated by a permeable layout with a network of interconnected carriageways and, where appropriate, a number of access points to the development. Residential developments will be required to incorporate traffic calming measures to keep speeds low, improve safety and help create a better environment. The Council will generally wish to see all access roads within a development designed to a 20mph maximum speed. On minor access roads favourable consideration will be given to the use of sub 10mph 'Home Zones'.

Road layouts which meet the Council's technical requirements but which do not pay due regard to the quality of the residential development and the need to foster sustainable movement patterns will be unacceptable.

The layout of new housing developments must safeguard access to adjoining lands to ensure that the comprehensive development of a site or future development potential is not prejudiced.

Parking

The amount of car parking in new residential development will have regard to published Departmental standards.[4] All car parking should be well designed, convenient and located to allow for informal surveillance. It should not however dominate the residential environment. In instances where car parking is proposed within the built fabric of a building, such as apartment development, this will only be acceptable where it will not result in a negative impact on the street scene at ground level.

[4] Parking Standards, published by former Department of the Environment, Planning Service, now Department for Infrastructure

Developers will also need to indicate what arrangements have been made within the development for secure bicycle parking. For apartment developments communal bicycle stands will be required.

Electric vehicle charging points should also be considered as part of the overall scheme in order to future-proof the design and layout of parking.

Privacy

The protection of privacy is an important element of quality in a residential environment. It is a particularly important consideration where new development is proposed adjacent to existing properties. Proposals must provide reasonable space between buildings in order to minimise overlooking. This will also assist in providing acceptable levels of daylight to properties.

Sustainable Drainage

Consideration should be given to the use of sustainable urban drainage systems (SuDS) and more environmentally sound methods of disposing of effluent. Natural drainage systems are altered by residential development and the amount of water infiltrating the ground as a result is normally reduced. Roofs, driveways, pavements, parking bays and a range of other surfaces can radically alter natural drainage. Conventional hard surfaces, such as impermeable concrete and tarmacadam, cause rain and storm water to flow to underground pipes and drains. This can simply increase speed and volume of flows downstream and the risk of flooding elsewhere.

Favourable consideration will be given to the use of permeable paving within new residential developments as a means of reducing the risk of flooding associated with surface water run-off. Where appropriate private driveways, patios, paths and shared hard landscaped surfaces should be built using permeable paving materials that are suitable to the proposal's location, of a high quality and visually attractive and appropriate to the overall scheme design.[5]

Permeable paving should be constructed to suitable specifications. Details are contained in the British Standards Institution publication BS7533, Part 3 and Part 13 regarding the design and installation of permeable pavements.

Waste Collection

In the interest of amenity, householder waste storage facilities should be appropriately designed into a site layout that provides adequate space and screening at the rear of properties. In apartment developments waste storage space may be communal, provided it is suitably integrated into either the fabric of the building or a purpose built enclosure. The Council will expect consideration be given to the access requirements of waste collection vehicles in order to provide layouts to facilitate ease of movements by such vehicles to the front of dwellings or bin stores.

Security from Crime

The design of new developments should seek to provide a feeling of security and a sense of safety in all parts of the layout. To enhance security back gardens of dwellings should be enclosed and back onto each other. Public areas such as open spaces, pedestrian routes and cycle linkages should be overlooked by the fronts of dwellings and other buildings to provide maximum surveillance. Narrow, potentially unfrequented or unsupervised routes for pedestrians and cyclists will not be acceptable.

'Secured by Design' is a police organisation working alongside the Police Service in the UK which seeks to achieve sustainable reductions in crime by promoting principles of designing out crime from the built environment. Developers should take account of these principles in preparing schemes. Further advice can be found at www.securedbydesign.com.

[5] Further best practice, guidance and advice is available from www.susdrain.org and www.paving.org.uk

HOU5 Public Open Space in New Residential Development

Adequate provision must be made for green and blue infrastructure in public open space and for open space that links with green and blue infrastructure where possible and provides pedestrian and cycle linkages to nearby public amenity spaces. Proposals for new residential development of 25 or more units, or on sites of one hectare or more, must provide public open space as an integral part of the development, subject to the following:

a) the open space must be at least 10% of the total site area

b) for development proposals of 300 or more units, or on sites of 15 hectares or more, the open space must be at least 15% of the total site area.

The following exceptions to the above open space provision will apply where:

a) the residential development is designed to integrate with and make use of adjoining public open space

b) the provision of open space below 10% of the total site area if the proposal is located within a city or town centre or it is demonstrated that it is close to and would benefit from ease of access to existing public open space

c) in the case of apartment developments or specialist housing (see Policy HOU11) where a commensurate level of private communal open space is being provided.

Development proposals of 100 units or more, or on sites of 5 hectares or more, must be provided with an equipped children's play area unless one already exists within a reasonable and safe walking distance (generally around 400 metres) of the majority of the units within the proposal.

Public open space required by this policy will be expected to conform to all of the following criteria:

- it is designed as an integral part of the development with easy and safe access from the dwellings
- it is of demonstrable recreational or amenity value
- it is designed, wherever possible, to be multi-functional
- its design, location and appearance takes into account the needs of disabled persons and it respects the amenity of nearby residents
- landscape and heritage features are retained and incorporated in its design and layout.

In all cases developers will be responsible for the laying out and landscaping of public open space required under this policy.

Developers must demonstrate that suitable arrangements will be put in place for the future management and maintenance in perpetuity of areas of public open space required under this policy.

Justification and Amplification

Public open space can be provided in a variety of forms ranging from village greens and small parks through to equipped play areas and sports pitches. In addition, the creation or retention of blue/green infrastructure, woodland areas or other natural or semi-natural areas of open space can provide valuable habitats for wildlife and promote biodiversity. To provide for maximum surveillance, areas of open space are best located where they are overlooked by the fronts of nearby dwellings.

A particularly important consideration in determining the layout of new housing developments is the provision of safe opportunities for children's play. It is important therefore that children's play areas and facilities are located within a safe and reasonable walking distance of where they live. However, they should not be located so close to dwellings as to cause noise or nuisance problems for residents.

In calculating the precise amount of public open space provision needed in an individual development proposal, only space of demonstrable recreational or amenity value i.e. 'useable' open space, will generally be counted. Accordingly, verges and visibility splays, which form part of the adopted highway, will not count towards the open space provision.

The onus will rest with developers to ensure the management and maintenance of public open space is carried out in perpetuity. A legal agreement securing this responsibility will be the normal approach to this matter and may involve a developer entering into a Section 76 Planning Agreement with the Council.

If this is the case, a Section 76 Planning Agreement will need to be entered into before planning permission is granted.

HOU6 Design Concept Statements, Concept Masterplans and Comprehensive Planning

A Design Concept Statement, or where appropriate a Concept Masterplan, must accompany all planning applications for residential development.

A Concept Masterplan will be required for major planning applications involving:

a) 50 dwellings or more

b) the development, in part or full, of sites of 2 hectares or more zoned for housing in development plans

c) housing development on any other site of 2 hectares or more.

For partial development of a site zoned for housing the Concept Masterplan will be expected to demonstrate how the comprehensive planning of the entire zoned area is to be undertaken.

Any proposal for housing that would result in unsatisfactory piecemeal development will not be permitted, even on land zoned for housing.

Justification and Amplification

Design Concept Statements and, where appropriate, Concept Masterplans will be required to support all proposals for residential development (outline and reserved matters/full applications) to show how a quality residential environment on a particular site will be delivered. They must indicate how the design concept has evolved and provide a clear idea of what is intended for the site without the need for fully detailed plans. A Design and Access Statement may also be required for residential development in accordance with Section 6(1) of the Planning (General Development Procedure) Order (Northern Ireland) 2015.

Quality design proposals should emerge from a careful analysis of the location, surrounding context and the specific characteristics of the site itself (Policies HOU3 and HOU4). Pre-application discussions with the Council can be helpful when this analysis has been completed and design options are being evaluated. Following this, discussions with other bodies, including the local community, their representatives and groups, may also be useful. Such discussions can further aid design proposals and help avoid unnecessary or nugatory work.

Design Concept Statements

A Design Concept Statement must demonstrate how it will meet the criteria set out in Policies HOU3 and HOU4.

The Statement should outline in writing the overall design concept and objectives for the site and include an indicative site layout plan, based on the appraisal of the site and its context. The amount of information and level of detail required will depend on the nature, scale and location of the proposed development. Where necessary the Statement should also address any local design considerations identified in development plans or supplementary planning guidance and provide information on any improvements to infrastructure required to facilitate the proposed development.

For a large scheme or a site in a sensitive location, such as a Conservation Area, Area of Townscape Character, Area of Village Character or Area of Outstanding Natural Beauty, the type of information and detail required for the Design Concept Statement will include some or all of the following:

- an appraisal of the site context highlighting those features in the vicinity of the site which influence the design of the scheme
- an appraisal of the characteristics of the site, identifying features within the site and how they influence the design of the scheme. This should include landscape features, an analysis of existing flora and fauna and the location of any archaeological or built heritage features or sites of nature conservation importance
- an indicative layout of the proposed scheme including for example the siting of buildings, existing and proposed public transport facilities, pedestrian and cycle routes, the layout of streets, access arrangements and traffic calming measures proposed
- sketch details of the design of buildings
- a comprehensive and readily understood structure to the open space and landscape elements of the scheme including proposals for subsequent management and maintenance
- the type and location of any necessary local neighbourhood facilities.

For small housing schemes outside sensitive locations, involving the development of a site of up to 0.25 of a hectare or 5 dwellings or less, a short written statement and a diagrammatic layout will generally suffice.

Concept Masterplans

Where a Concept Masterplan is required, it will need to indicate in graphic form a scheme for the comprehensive development of the whole area, and include a written statement, detailed appraisals, sketches, plans and other illustrative materials to address all of the relevant matters set out in this policy and its associated supplementary planning guidance. The Concept Masterplan should also clearly demonstrate how it is intended to implement the scheme.

Advice and guidance on site appraisal and the type of information that will be required to accompany Concept Masterplans and Design Concept Statements is contained in the Department publications ‘Creating Places – Achieving Quality in Residential Developments’ (May 2000); ‘Living Places’ (September 2014) and ‘Improving the Quality of Housing Layouts in Northern Ireland’ (May 2000).

The submission of a Design Concept Statement or a Concept Masterplan will not preclude the need for other detailed assessments or information in support of a planning application, for example a Transport Assessment or an Environmental Impact Assessment.

The Council will use its powers contained in the Planning (General Development Procedure) Order (Northern Ireland) 2015 to request applicants to supply such additional information as is considered necessary to allow proper determination of planning applications. Where the Council grants outline planning permission for residential development based on indicative plans, a condition will be imposed that any reserved matters application be based broadly on such requirements.

Comprehensive Planning

The comprehensive planning of new or extended housing areas is considered to be of vital importance in pursuit of an improved quality standard. Piecemeal development may result in the undesirable fragmentation of a new neighbourhood and fail to secure the proper phasing of development with associated infrastructure and facilities.

The Council would encourage land pooling by owners and developers to facilitate the comprehensive development of residential sites. Where this cannot be achieved, and comprehensive development of the site would be prejudiced, the Council will refuse the application.

Planning Agreements

Section 76 Planning agreements between the Council and developers may be necessary for major housing schemes, and some smaller developments. Such agreements secure infrastructure needed as a result of the development, for example necessary community facilities or the provision of open space and its long term maintenance. Planning agreements need to be entered into prior to permissions being issued to ensure that necessary facilities and works are provided and to help guarantee the quality of development.

Developers shall be expected to comply with Strategic Policy 07, Section 76 Planning Agreements and the related Framework Document where necessary.

HOU7 Residential Extensions and Alterations

Planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area

b) the proposal does not unduly affect the privacy or amenity of neighbouring residents

c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality

d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

The above policy applies to all residential extensions and alterations and for extensions and/or alterations to other residential uses as set out in Parts C2 and C3 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended), such as guest houses, hostels and residential/nursing homes.[6]

Supplementary Planning Guidance, Part A: Guidance for Residential Extensions and Alterations, will be taken into account when assessing proposals against the above criteria.

[6] This policy also applies to Housing in the Countryside see Operational Policies COU2-COU10

Justification and Amplification

The Council encourages quality design solutions for residential extensions and alterations. Good design promotes sustainable development, improves the quality of the existing environment and should also afford appropriate protection of residential amenity.

Extensions and alterations can have a significant impact on the character and appearance of the local environment if they are poorly designed, oversized or badly sited or where inappropriate alterations are proposed. House extensions and alterations raise detailed site specific issues and the acceptability of proposals will depend on the particular circumstances on the site and its surroundings.

Most commonly the design of extensions and alterations should tie in with the style, design and materials of the existing property, however, innovative, contemporary design solutions will be acceptable where the proposal complements the host property and respects its wider surroundings.

Proposals which incorporate features intended to maximise sustainability and energy efficiency, including the use of renewable energy sources are encouraged.

Extensions or alterations should be designed so as to not unduly affect the privacy and amenities enjoyed by neighbouring households, such as dominance, privacy or loss of light.

The Council will resist proposals for extensions or other ancillary buildings that would result in the loss of significant local landscape features, in particular trees which are the subject of a Tree Preservation Order or which contribute to areas designated for their townscape or heritage importance.[7] In other cases, where proposals impact on local landscape features compensatory planting to mitigate against the loss of local environmental quality and assist in the promotion of biodiversity will be necessary.

Garden sizes, in particular rear gardens, should be sufficient to provide outdoor recreational space and provide space for storage for example garden furniture, bikes, play equipment and bins. Proposals which will remove sufficient space will be resisted.

The Council will give sympathetic consideration to proposals required for a person with a disability or whose mobility is otherwise impaired. If imaginative and innovative design approaches are fully explored it is generally possible to provide a satisfactory solution in line with the policy. The specific needs of a person with a disability are an important material consideration and exceptionally the policy criteria may be relaxed to meet these needs.

Proposals to provide ancillary living space for elderly relatives or to meet a variety of other personal and domestic circumstances must be subordinate to and supplementary to the existing residence. Such accommodation should normally be attached to the existing property and be internally accessible from it, although a separate doorway access will also be acceptable.

Where an extension to the existing house is not practicable and it is proposed to convert an existing outbuilding, planning permission will be dependent on the development being of a modest scale. A separate self-contained building, within the curtilage of an existing dwelling house will not be acceptable, unless a separate dwelling would be granted permission in its own right.

In all cases the Council must be satisfied that the proposed accommodation will remain ancillary to the main residential property and careful consideration will be given to the impact of proposals on neighbouring dwellings. Where permission is granted it will be subject to a condition that the extension will only be used for ancillary residential purposes in

[7] It is an offence to remove a tree which is subject to a Tree Preservation Order or which is located in a Conservation Area, without the prior written consent of the Council

connection with the main dwelling and not as a separate unit of accommodation. Other proposals for ancillary residential use which are clearly incidental to the enjoyment of the property, such as a garden room or a gazebo, will be treated on their merits within the terms of the policy.

In assessing proposals for residential extensions and/or alterations in Conservation Areas, Areas of Townscape/Village Character and those affecting Listed Buildings, the Council will consider the relevant policies contained within policies HE6 and HE10, together with any relevant regional policy or guidance or contained in a local design guide. Likewise, for proposals within designated areas, including Areas of Outstanding Natural Beauty, regard will be given to any relevant regional policy or guidance or advice set out in supplementary planning guidance.

HOU8 Protecting Local Character, Environmental Quality and Residential Amenity in Established Residential Areas

Planning permission will be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where the criteria set out in Policies HOU3 and HOU4 (with the exception of Policy HOU4(d) – Density Bands), and all the additional criteria set out below are met:

a) the proposed density is not significantly higher than that found in the established residential area

b) the pattern of development is in keeping with the local character, environmental quality and existing residential amenity of the established residential area

c) all dwelling units and apartments are built to a size not less than those set out in Supplementary Planning Guidance, Part A: Space Standards for Dwellings.

Justification and Amplification

In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing where the pattern of development is in keeping with the overall character and environmental quality and the proposed density[8] is not significantly higher than that found in the established residential area.

A definition of an established residential area is contained in Supplementary Planning Guidance, Part A.

HOU9 The Conversion or Change of Use of Existing Buildings to Flats or Apartments

Planning permission will be granted for the conversion or change of use of existing buildings to flats or apartments (including those for multiple occupancy[9]) where the criteria set out in Policies HOU3 and HOU4, and all the additional criteria set out below are met:

a) there is no adverse effect on the local character, environmental quality or residential amenity of the surrounding area

b) the proposal maintains or enhances the form, character and architectural features, design and setting of the existing building

c) the original property is greater than 150 square metres gross internal floor space

d) all flats or apartments are self-contained (i.e. having separate bathroom, WC and kitchen available for use only by the occupiers)

[8] Density is generally considered to be a calculation of dwellings per hectare
[9] A House in Multiple Occupation (HMO) is defined by Article 1 of the Houses In Multiple Occupation Act (Northern Ireland) 2016

e) the development does not contain any flat or apartment which is wholly in the rear of the property and without access to the public street.

Justification and Amplification

Conversion and reuse of existing buildings for flats or apartments is consistent with achieving more sustainable patterns of residential development. It contributes to meeting the varied housing needs of the whole community, assists with the creation of balanced communities and supports urban regeneration.

Residential intensification of existing dwellings or conversion of other buildings to residential use can sometimes have negative impacts on the local character of an area, for example, as a result of increased density, overlooking, increased traffic congestion, and the loss of family sized housing.

The overall aim of this policy is to ensure converted buildings sympathetically harmonise with adjacent properties and maintain or enhance the overall character and environmental quality of existing residential areas. In determining applications full account will be taken of the potentially damaging effect of cumulative changes in a neighbourhood by which proposals, although not detrimental in isolation, could be judged to be detrimental when considered alongside other recently approved developments.

To ensure that individual dwellings are appropriate for conversion this policy places a minimum size limit on dwellings which will be permitted for conversion to flats or apartments. A more flexible approach to the floor space requirement in this policy may be applied at some locations within designated city and town centres, along key and link transport corridors and sites adjacent to main public transportation nodes.

When bringing forward a proposal to convert an existing dwelling to apartments adequate amenity space must remain. The level of private open space for new residential property is detailed in the Department's publication 'Creating Places – Achieving Quality in Residential Developments' (May 2000).

Provision for waste and recycling storage should be appropriately screened from public view and proposals involving the replacement of front gardens with hard surface car parking areas will be resisted.

Any proposals involving extensions to an original building are required to be consistent with Policies HOU3 and HOU4.

HOU10 Affordable Housing in Settlements

Where the need for Affordable Housing is identified, through the Housing Needs Assessment[10], on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable. This provision will be secured and agreed through a Section 76 Planning Agreement.

All developments incorporating affordable housing should be designed to integrate with the overall scheme with no significant distinguishable design differences, in accordance with any other relevant policies contained within this Plan Strategy.

In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76 Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.

[10] Supplied by the Northern Ireland Housing Executive as the statutory housing authority

Proposals for the provision of specialist accommodation for a group of people with specific needs (such as purpose built accommodation for the elderly, Policy HOU11) will not be subject to the requirements of this policy.

Windfall sites will be encouraged for the development of affordable housing in suitable and accessible locations.

By exception, proposals for affordable housing could be permitted on land identified as open space, in accordance with Policy OS1, where it can be demonstrated that all of the following criteria have been met:

a) a demonstrable need has been identified by the Northern Ireland Housing Executive

b) the application is made by a registered Housing Association or the Northern Ireland Housing Executive

c) the proposal will bring substantial community benefits that decisively outweigh the loss of the open space.

Development proposals will not be supported where lands have been artificially divided for the purposes of circumventing this policy requirement.

Justification and Amplification

The Strategic Planning Policy Statement (SPPS) acknowledges the Local Development Plan Process as the instrument to deliver policy for affordable housing in line with the guidance and objectives of the Regional Development Strategy (RDS) 2035.

The policy requires a minimum provision of 20% of units as affordable housing. Where up to date evidence indicates a requirement for a higher proportion of affordable housing, the Council will expect developments to provide this. Where appropriate this may be indicated through key site requirements within the Local Policies Plan. It may also be secured through discussions with applicants on a case-by-case basis as part of the development management process.

This policy ensures that a proportion of affordable housing[11] can be delivered alongside market led housing to enable a range of house types, sizes and tenures are provided for local needs, to encourage integration of housing and encourage balanced communities.

Affordable housing should be delivered through mixed tenure developments which offer a high quality of design to help promote community cohesion and sustainable neighbourhoods in line with regional policy.

In addition to encouraging a mix of affordable housing in all housing developments, situations may arise where a Housing Association, through agreement with the Northern Ireland Housing Executive, identify a site suitable for affordable housing on land not zoned for housing, for example land designated for open space in accordance with the requirements of Policy OS1.

In such circumstances, evidence regarding its suitability will be considered by the planning authority. This can ensure that land can come forward where it is needed, that the needs of groups with specific housing requirements can be addressed.

The development of windfall sites will be encouraged and promoted for affordable housing given the benefits of using suitable sites within existing settlements for homes which can benefit from better quality infrastructure and accessibility to community facilities.

Developers cannot artificially divide or phase sites to avoid affordable housing provision. This will ensure that affordable housing is delivered as an integral part of all new developments. Partial development of a site will only be permitted where an overall concept masterplan identifies that this policy can be met and provided through a Section 76 Planning Agreement.

[11] The definition of Affordable Housing for the purpose of the Plan Strategy is contained in the Glossary, page 120.

Additionally, affordable housing may be provided through specific zonings where a need has been identified by the Northern Ireland Housing Executive at Local Policies Plan stage.

HOU11 Specialist Accommodation

Planning permission will be granted for specialist residential accommodation, subject to all of the following criteria being met:

a) the homes and/or bed spaces to be provided meet an identified community need demonstrated through a statement of specialist housing need

b) the proposal is accessible to public transport, leisure and recreation facilities, community facilities and health services.

All proposals, including extensions/alterations/additions to existing residential facilities for sheltered housing, extra-care homes, nursing homes and residential care homes will be considered in accordance with this policy.

Justification and Amplification

Specialist residential accommodation is purpose-built or converted residential accommodation designed to provide opportunities for individuals to access accommodation that is more suitable for their needs such as sheltered housing and care-related facilities. The planning system can help to ensure that specialist accommodation is available to meet the needs of older people and people with disabilities. Where there is clear evidence of special need demonstrated, planning applications will be required to submit a statement of special housing need to show how the proposal meets the requirements of this policy.

The location of housing intended for people with specialist housing needs will need carefully considered as not all sites will be suitable, for example, certain physical characteristics such as steep slopes may not be viable or provide ease of access. The proximity to shops, leisure, community, healthcare and other facilities are also important factors to be considered.

This type of development will be exempt from the requirements of Policy HOU10 relating to provision of affordable housing.

HOU12 Accommodation for the Travelling Community

Planning permission will be granted for a suitable facility to meet a demonstrable need for specific accommodation for members of the Travelling Community (Travellers) where all of the following criteria are met:

a) adequate landscaping is provided to visually integrate the proposal

b) the development is compatible with existing and proposed buildings and structures in the area paying particular regard to environmental amenity

c) where appropriate, the provision of workspace, play space and visitor parking is provided

d) the proposal meets environmental and other material considerations, including those for sewerage, drainage, access and road safety.

Where a need cannot readily be met within an existing settlement in the locality, applications in the countryside will be required to meet the sequential requirements of Policy COU5 Affordable Housing.

Exceptionally a single family traveller transit site or serviced site may be permitted in the countryside. Such proposals will be assessed on their merits, having regard to the above criteria and the sequential requirements of Policy COU5.

Justification and Amplification

The Northern Ireland Housing Executive (NIHE) will identify through its Housing Needs Assessment, requirements for Traveller accommodation within the Council area. Where a demonstrable need exists, lands will be allocated for through the Council's Development Plan at Local Policies Plan stage.

Accommodation may be provided through either a grouped housing scheme, a serviced site or a transit site. When assessing applications for traveller accommodation the Council will consider the existing level of local provision as well as the availability of alternative accommodation that meets the distinctive needs of travellers. Further information is available in the Design Guide for Travellers' Sites NI (draft 2019) published by Department for Communities (DfC).

2.COMMUNITY FACILITIES IN SETTLEMENTS

CF01 Necessary Community Facilities in Settlements

Planning permission will be granted for a community facility in settlements in the following circumstances:

a) in designated city or town centres, villages and smaller settlements

b) on previously developed land (brownfield sites)

c) on land identified within the Local Development Plan for the provision of education, health, community uses or cultural facilities

d) on land zoned for residential use, where identified through Key Site Requirements, or in accordance with Operational Policy HOU2.

In the case of land zoned for residential use it must be demonstrated to the Council, with sufficient evidence, that the proposal:

e) is necessary to serve the local population

f) offers safe and convenient access through provision of walking and cycle infrastructure, both within the development proposal and linking to existing or planned networks

g) meets the needs of mobility impaired persons

h) respects existing public rights of way.

Justification and Amplification

For the purpose of this policy Community Facilities are those defined in Part D1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended).

Local Community Facilities

The provision of local community facilities within settlements and that are in or near new residential developments in particular, is one of the means to increase vitality, provide a sense of community, enhance the social and economic sustainability of the development and can greatly assist in reducing car dependency.

Otherwise new residential proposals will place further pressure on already overstretched facilities and services and increase the need to travel.

The need to provide local community facilities will be assessed by the Council in consultation with relevant bodies. Where such a need is identified it will be stipulated as a Key Site Requirement in the Local Policies Plan and it will be a requirement that the developer provides for this need as an integral part of the development. Any provision considered necessary will relate fairly and reasonably in scale and kind to the impact of the development proposed.

Necessary community facilities to serve a local need should be designed to a high standard and located to provide focal points and landmark features. The location and design of such facilities should also respect the amenities of proposed and existing housing.

The provision of local community facilities through Key Site Requirements may impose additional costs on developers. However the Council considers it reasonable to expect

that developers will contribute to the cost of provision of necessary facilities and/or set land aside for development and use by the local community.

This may entail developers and landowners entering into a Section 76 Planning Agreement with the Council.

CF02 Protection of a Local Community Facility

Planning permission will be granted for the change of use or redevelopment of existing community facilities or land identified for such purposes in the Local Development Plan in the following circumstances:

a) for the change of use or redevelopment of a building used, or last used as a local community facility where it is demonstrated to the satisfaction of the Council that its loss would not result in a deficit in community facilities in the local area

b) for the development of land identified within the Local Development Plan for the provision of education, health, community uses or cultural facilities to an alternative use where it is demonstrated to the satisfaction of the Council that the loss of the land would not result in a deficit in community facilities in the local area.

Justification and Amplification

Local community facilities protect the vitality of an area, increase its sense of community and reduce the need to travel to alternative provisions.

Proposals to redevelop existing community facilities or develop land identified within the Local Development Plan for such uses will be resisted. Only in exceptional circumstances, supported by robust evidence to the satisfaction of the Council will alternative uses of land or buildings be permitted.

3.DEVELOPMENT IN THE COUNTRYSIDE

COU1 Development in the Countryside

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Details of operational policies relating to acceptable residential development proposals are set out in policies COU2 to COU10.

Details of operational policies relating to acceptable non-residential development proposals are set out in policies COU11-COU14.

There are a range of other non-residential development proposals that may in principle be acceptable in the countryside. Such proposals must comply with all policy requirements contained in the operational policies, where relevant to the development. Development of inappropriate retailing in the countryside will be resisted. Retailing opportunities in the countryside will only be considered in relation to Policies COU11, COU14 and, in exceptional cases, Policy TC6.

Any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15-COU16.

Justification and Amplification

The countryside is a unique resource in terms of its landscapes, cultural heritage, nature conservation and biodiversity. It is home to our agricultural industry and rural communities, providing a recreational and tourism asset. However, there has been an accelerating pressure for development throughout the countryside, in particular new dwellings. It is recognised this development pressure must be balanced against the needs of rural communities, as such these operational policies are considered appropriate to facilitate sustainable development in the countryside.

RESIDENTIAL DEVELOPMENT

COU2 New Dwellings in Existing Clusters

Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

a) the cluster of development lies outside of a farm and consists of four or more established buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) forming a close grouping of buildings, of which at least three are dwellings

b) the cluster appears as a visual entity in the local landscape

c) the cluster is associated with a focal point such as a social/community building

d) the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster

e) development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside through the creation of ribbon development.

Justification and Amplification

For the purpose of this policy the following definitions will apply:

A visual entity in the local landscape is defined as a collective body of buildings, separated from the countryside when viewed from surrounding vantage points.

A focal point is defined as a social/community building, usually visually significant within the cluster and which defines a different built form and use to the rest of the buildings in the cluster.

Effective design principles for compliance with the policies of COU2 are illustrated and set out in the Department's design guidance, 'Building on Tradition'.

COU3 Replacement Dwellings

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' includes buildings previously used as dwellings.

In cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.

Non-listed Vernacular Dwellings

The retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement in accordance with Policies COU4 and HE13.

In all cases where the original dwelling is retained, it will not be eligible for replacement again. Equally, this policy will not apply where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original dwelling, or where the original dwelling is immune from enforcement action as a result of non-compliance with a condition to demolish it.

Replacement of Non-Residential Buildings

Favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.

Non-residential buildings such as domestic ancillary buildings, steel framed buildings designed for agricultural purposes, buildings of a temporary construction and a building formerly used for industry or business will not be eligible for replacement under this policy.

In addition to the above, proposals for a replacement dwelling will only be permitted where all of the following criteria are met:

a) the proposed replacement dwelling must be sited within the established curtilage of the existing building, unless either (i) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (ii) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;

b) the overall size of the new dwelling must not have a visual impact significantly greater than the existing building;

c) the design of the replacement dwelling should be of a high quality appropriate to its rural setting.

Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances in accordance with Planning Policy HE8.

Justification and Amplification

The essential characteristics of a dwelling includes original features such as doors/ window openings of domestic scale, chimneys or internal evidence of chimneys or fireplaces, internal walls defining individual rooms.

For the purposes of this policy 'Vernacular Buildings' reflect the local 'folk tradition' and are typical of a common type of building in a particular locality, generally pre 1925. For more detail refer to 'A Sense of Loss – The Survival of Rural Traditional Buildings in Northern Ireland', published by the former Department of the Environment (DoE), March 1998.

For the purposes of this policy 'curtilage' means the immediate, usually defined and enclosed area, for example by landscaping, hedging or fencing surrounding an existing or former dwelling house.

Applications for the replacement of non-listed vernacular buildings must be accompanied by sufficient information to demonstrate why replacement, rather than their retention and incorporation into a proposal, is the most appropriate solution. In such cases evidence of a building's condition must demonstrate that it is not reasonably capable of being made structurally sound or otherwise improved.

Effective design principles for compliance with the policies of COU3 are illustrated and set out in the Department's design guidance, 'Building on Tradition'.

Permission granted under this policy will be subject to conditions requiring demolition of the existing dwelling or restriction of its future to non-residential use.

Replacing semi-detached or terraced dwellings will generally only be acceptable if replaced in situ, unless there are practical and demonstrable mitigating circumstances to do otherwise.

COU4 The Conversion and Reuse of Buildings for Residential Use[12]

Planning permission will be granted for proposals for the sympathetic conversion, with adaptation if necessary, of a non-listed vernacular building or a suitable locally important building[13] (such as former school houses, churches and older traditional barns and outbuildings) for use as a single dwelling where this would secure its upkeep and retention. Such proposals will be required to be of a high design quality and to meet all of the following criteria:

a) the building is of permanent construction

b) the conversion or reuse would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality

c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building

d) the conversion or reuse would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings

e) the nature and scale of the use is demonstrated to be appropriate to a countryside location.

[12] See Policy HE13 for Conversion and Reuse of Buildings in Settlements
[13] See Department for Communities 'Historic Buildings of Local Importance – A Guide to their identification and protection' May 2017

Buildings of a temporary construction such as those designed and used for agricultural purposes, including sheds or stores will not be eligible for conversion or reuse under this policy.

Exceptionally, consideration may be given to the sympathetic conversion or reuse of a traditional non-residential building to provide more than one dwelling where the building is of sufficient size; the scheme of conversion involves minimal intervention; and the overall scale of the proposal and intensity of use is considered appropriate to the locality.

In all cases evidence of a building's condition must demonstrate that it is reasonably capable of being made structurally sound or otherwise improved.

A former dwelling previously replaced and retained as an ancillary building, or where it was conditioned for demolition but has subsequently become immune from enforcement action, will not be eligible for conversion back into residential use under this policy.

Listed Buildings

All proposals for the conversion or refurbishment of a building listed as being of special architectural or historic interest for residential purposes will be assessed against Planning Policies HE6, HE8 and HE9.

Justification and Amplification

The sympathetic conversion and reuse of older buildings in the countryside no longer required for their original purpose can represent a sustainable approach to development in the countryside and for certain buildings may be key to their preservation.

For the purposes of this policy a 'Locally Important Building' is a building, structure or feature, whilst not statutory listed, has been identified by the Council as an important part of their heritage, due to its local architectural or historic significance. 'Vernacular Buildings' are those that reflect the local 'folk tradition' and are typical of a common type of building in a particular locality, generally pre 1925. For more detail refer to 'A Sense of Loss – The Survival of Rural Traditional Buildings in Northern Ireland', published by DoE, March 1998.

Good design in all cases involving conversion and reuse of locally important or vernacular buildings must ensure their existing character is not lost.

Planning permission for conversion of a non-residential building to residential use will not in itself be considered sufficient grounds to subsequently permit the replacement of the building with a new dwelling.

COU5 Affordable Housing

Planning permission will be granted by exception for a small group of no more than 14 dwellings adjacent to or near a village or small settlement to provide affordable housing which meets a need identified by the Northern Ireland Housing Executive.

Planning permission will only be granted where the application is made by a registered Housing Association or the Northern Ireland Housing Executive.

In assessing the acceptability of sites, the following sequential test in terms of location will be applied:

a) land adjacent to the existing settlement limit, subject to amenity and environmental considerations

b) a site close to the settlement limits which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment

c) an undeveloped site in close proximity to the settlement where the development could be visually integrated into the landscape.

Generally only one group will be permitted in close proximity to any particular rural settlement which cannot readily be met within an existing settlement in the locality.

Justification and Amplification

For the purposes of this policy, a village or small settlement is defined in the settlement hierarchy contained in Part One, Chapter Four of the Plan Strategy.

The majority of land considered by the Council as suitable for housing will be allocated through the development plan process within settlements at the Local Policies Plan stage.

An exception may be made where a specific need for affordable housing has been established through a local housing needs assessment undertaken by the Northern Ireland Housing Executive, and where the need has not been foreseen and provided for through the development plan process. Such proposals will need to be accompanied by information demonstrating that the potential to locate the necessary housing within settlement limits has been explored, and that no suitable sites are available.

COU6 Personal and Domestic Circumstances

Planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met:

a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused

b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

All permissions granted under this policy will be subject to a condition restricting the occupation of the dwelling to a named individual and their dependents.

Justification and Amplification

Applicants will be expected to provide sufficient information to allow a proper assessment of each specific case. Such information should include:

- a statement detailing the special personal or domestic circumstances supported if appropriate by medical evidence from a medical or health professional
- details of the level of care required in relation to any medical condition again supported by the appropriate health professional, the identity of the main carer, their current address and occupation
- details of why care can only be provided at the specific location and how genuine hardship would be caused if planning permission were refused
- all alternative solutions must be explored and shown as not considered practical to meet the site specific need.

COU7 Dwellings for Non-Agricultural Business Enterprises

Planning permission will be granted for a dwelling house in connection with an established non-agricultural business enterprise where a site specific need exists that makes it essential for one of the business's employees to live at the site of their work.

Planning permission will be refused under this policy where an existing dwelling is already located within or adjacent to a non-agricultural business and from which an employee fulfils, or a former employee fulfilled a site specific function of that business.

Where such a site specific need is demonstrated and accepted, the dwelling house must be located beside, or within, the boundaries of the business enterprise and integrate with the buildings on the site.

Planning permission granted under this policy will be subject to a condition restricting occupation of the dwelling solely for the use of the business.

Justification and Amplification

The presence of a non-agricultural business in the countryside is not, of itself, sufficient justification for a dwelling on the site. Applicants must at the time of application provide sufficient information to demonstrate that there is a current site specific need, rather than a general desire, which makes it essential for one of the firm's employees to live at the site of their work.

If the residing employee of the firm subsequently retires, this does not demonstrate the need for a second dwelling associated with the business.

A proposal for a dwelling by those involved in the keeping and breeding of horses for commercial purposes will also be assessed under the criteria set out in this policy. An equine business includes horse breeding and training and the operating of livery yards, trekking centres and riding schools.

Those keeping horses and/or ponies for hobby purposes will not satisfy the requirements of this policy.

In all cases applicants will have to provide sufficient information to demonstrate a level of involvement commensurate with commercial activity. Such information should include a statement of commercial rateable history for the business, appropriate insurances and any other information relevant to the particular case.

A need to provide improved security from theft and/or vandalism is unlikely on its own to warrant the grant of planning permission.

COU8 Infill/Ribbon Development

Planning permission will be refused for a building which creates or adds to a ribbon of development.

Exceptionally, there may be situations where the development of a small gap, sufficient to accommodate 2 dwellings within an otherwise substantial and continuously built up frontage, may be acceptable. For the purpose of this policy a substantial and continuously built up frontage is a line of 4 or more buildings, of which at least 2 must be dwellings, excluding domestic ancillary buildings such as garages, sheds and greenhouses, adjacent to a public road or private laneway.

The proposed dwellings must respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings that constitute the frontage of development. Buildings forming a substantial and continuously built up frontage must be visually linked.

Justification and Amplification

A ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a tendency to ribboning. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development.

For the purposes of this policy a building's frontage must extend to the edge of the public road or private laneway and not be separated from it by land or development outside of its curtilage.

Assessment of what constitutes an existing pattern of development must take account and have regard to the size and scale of buildings, their siting and position in relation to each other and the size and width of individual plots upon which they are situated.

COU9 Temporary Caravan

Planning permission will be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances which include:

a) the provision of temporary residential accommodation pending the development of a permanent dwelling

b) where there are compelling and site-specific reasons related to personal or domestic circumstances, as stipulated under Operational Policy COU6.

All permissions will normally be subject to a three-year time limit from the date permission is granted and conditioned that the temporary caravan will be removed at the expiration of that time limit.

The siting of a residential caravan or mobile home will be subject to the same planning and environmental considerations as a permanent dwelling. Permission will depend on the ability to integrate the unit within an existing building group and screen the unit from public view. Residential caravans or mobile homes on farms will be required to be visually linked or clustered with an established group of buildings on the farm.

Justification and Amplification

The nature of a residential caravan or mobile home limits its potential for integration into the landscape. Therefore, planning permission will not be granted for a permanently sited residential caravan or mobile home in the countryside.

This policy acknowledges that their provision may in exceptional circumstances allow a sensible temporary residential solution.

It is unlikely that permission granted with a conditioned 3 year time limit will be extended.

COU10 Dwellings on Farms

Planning permission will be granted for a dwelling house on a farm where all of the following criteria are met:

a) the farm business must be currently active and it must be demonstrated, with sufficient evidence, such as independent, professionally verifiable business accounts, that it has been established for at least 6 years

b) no dwellings or development opportunities outwith settlement limits have been sold off from the farm holding within 10 years of the date of the application

c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided it is demonstrated there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s).

The grant of planning approval for a dwelling on an active and established farm will only be permitted once every 10 years.

Justification and Amplification

New dwellings on farms will not be acceptable unless the existing farming business is both active and established. The applicant will therefore be required to provide the farm's business ID supplied by the Department for Agriculture, Environment and Rural Affairs (DAERA) along with other evidence to prove active farming over the required period, such as audited accounts compiled by an accountant. DAERA will confirm the business ID number. Other relevant consultees will be consulted as necessary on applications for dwellings on farms.

For the purposes of this policy 'agricultural activity' refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition.[14]

Under this policy permission will not be granted for a dwelling where a rural business is artificially divided solely for the purpose of obtaining planning permission or has recently sold off a development opportunity from the farm (replacement dwelling or other building capable of conversion/reuse). For the purposes of this policy, 'sold off' will mean any development opportunity disposed of from the farm holding to any other person including a family member.

Where by exception an alternative site is proposed the applicant will be required to submit appropriate and demonstrable evidence from a competent and independent authority such as the Health and Safety Executive or Environmental Health Department of the Council to justify the siting. Additionally evidence relating to the future expansion of the farm business (including valid planning permissions, building control approvals or contractual obligations to supply farm produce) may be required.

NON-RESIDENTIAL DEVELOPMENT

COU11 Farm Diversification

Planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm, and where all the following criteria are met:

a) the farm or forestry business is currently active and established (for a minimum of 6 years)

b) in terms of character and scale it is appropriate to its location

c) it will not have an adverse impact on the natural or historic heritage

d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

Proposals for farm diversification must involve the conversion or reuse of existing farm buildings.

[14] This is in line with 27 EU and DAERA regulations; Article 2 of European Council Regulation (EC) No. 73/2009

Exceptionally, a new building may be permitted where it is demonstrated there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for conversion and reuse or cannot be adapted to meeting the requirements of other statutory agencies.

Where a new building is justified it should be satisfactorily integrated with an existing group of buildings.

Justification and Amplification

This policy aims to promote sustainable forms of farm diversification on an active and established business (in line with COU10), including suitable tourism or agri-tourism schemes. Diversification proposals should be of a scale and nature appropriate for the location. Large-scale proposals more suitable to the urban area or existing urban-based enterprises seeking relocation will not be acceptable.

COU12 Agricultural and Forestry Development

Planning permission will be granted for development on an agricultural or forestry holding where it is demonstrated that:

a) the agricultural or forestry business is currently active and established (for a minimum of 6 years)

b) it is necessary for the efficient use of the agricultural holding or forestry enterprise

c) in terms of character and scale it is appropriate to its location

d) it visually integrates into the local landscape and additional landscaping is provided as necessary

e) it will not have an adverse impact on the natural or historic environment

f) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In cases where development is proposed applicants will also need to provide sufficient information to confirm all of the following:

- **there are no suitable existing buildings on the holding or enterprise that can be used**
- **the design and materials to be used are sympathetic to the locality and adjacent buildings**
- **the proposal is sited beside existing farm or forestry buildings.**

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- **it is essential for the efficient functioning of the business; or**
- **there are demonstrable health and safety reasons.**

Justification and Amplification

Planning permission will only be granted for agricultural and forestry buildings/works subject to the criteria stated, as well as the criteria for an active and established business set out under Policy COU10.

Prior to consideration of any proposed new building, the applicant will be required to satisfactorily demonstrate that renovation, alteration or redevelopment opportunities do not exist elsewhere on the agricultural or forestry holding. Any new buildings should blend unobtrusively into the landscape.

Sufficient information to demonstrate why a location away from the existing agricultural or

forestry buildings is essential for the efficient functioning of that agricultural or forestry holding will be required. If justified, the building will be required to visually integrate into the landscape and be of appropriate design and materials. A prominent, skyline or top of slope ridge location will be unacceptable.

All permissions granted under this policy will be subject to a condition limiting the use of the building to either agricultural or forestry use as appropriate.

Ammonia Emissions

Ammonia (NH3) is an air pollutant largely emitted from agriculture which is known to have a damaging impact on biodiversity including sensitive habitats, and ecosystem resilience, as well as human health. It is produced by many common farming activities, such as the housing of livestock, the storage and spreading of manure and slurry and the application of fertiliser. Reducing ammonia emissions across Northern Ireland is a key priority of DAERA. In assessing all applications for agriculture and forestry development, DAERA is legally obliged to consider the impact of ammonia emissions and subsequent nitrogen deposition that a proposed building development would have on the environment. The Council will consult with DAERA as necessary regarding this issue.

COU13 Necessary Community Facilities in the Countryside

Planning permission will be granted for a community facility at an existing cluster of development where it is demonstrated, with sufficient evidence, that the proposal is necessary to serve the local rural population. In all cases such proposals must satisfy the requirements of Policy COU2.

Justification and Amplification

For the purposes of this policy a community facility is defined by any of the uses contained in Part D1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

The policy approach for development in the countryside seeks to cluster, consolidate and group new development with existing established buildings. This sustainable approach facilitates essential new development, which can benefit from the clustering of existing services whilst mitigating the potential adverse impacts upon rural amenity and scenic landscapes arising from the cumulative effect of one off, sporadic development.

Effective design principles for compliance with the policies of COU13 are illustrated and set out in relevant design guidance, currently ‘Building on Tradition’.

COU14 The Conversion and Reuse of Buildings for Non-Residential Use

Planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a non-listed vernacular building or a suitable locally important building (such as former school houses, churches and older traditional barns and outbuildings) for a variety of alternative uses where this would secure its upkeep and retention. Such proposals will be required to be of a high design quality and meet all of the criteria specified under Policy COU4.[15]

Justification and Amplification

The sympathetic conversion and reuse of older buildings in the countryside no longer required for their original purpose can represent a sustainable approach to development in the countryside and for certain buildings may be key to their preservation.

Alternative uses may include an appropriate economic, tourism or recreational use, local community facility or retail unit, subject to the proposed use complying with other relevant operational planning policies.

[15] See Policy HE13 for proposals on the Conversion and Reuse of Non-Listed Buildings

Good design in all cases involving conversion and reuse of locally important or vernacular buildings must ensure their existing character is not lost.

For the purposes of this policy a 'Locally Important Building' is a building, structure or feature, whilst not statutory listed, has been identified by the Council as an important part of their heritage, due to its local architectural or historic significance. 'Vernacular Buildings' are those that reflect the local 'folk tradition' and are typical of a common type of building in a particular locality, generally pre 1925. For more detail refer to 'A Sense of Loss – The Survival of Rural Traditional Buildings in Northern Ireland', published by DoE, March 1998.

GENERAL CRITERIA FOR ALL DEVELOPMENT

COU15 Integration and Design of Buildings in the Countryside

In all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and of an appropriate design.

A new building will not be permitted if any of the following apply:

a) it is a prominent feature in the landscape

b) it is not sited to cluster with an established group of buildings

c) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop

d) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape

e) it relies primarily on the use of new landscaping for integration

f) the design of the building is inappropriate for the site and its locality

g) ancillary works do not integrate with their surroundings.

Justification and Amplification

All development proposals in the countryside must integrate into their setting, respect rural character and be appropriately designed.

Integration

Integration is an assessment of the extent to which proposed development will blend unobtrusively with its surroundings, including; the position and scale of proposed building(s); their relationship with existing buildings; the degree of enclosure, including natural site boundaries and/or a visual backdrop and the suitability of building design within the locality.

Prominent, skyline or top of slope/ridge locations are considered unacceptable and new planting alone will not be sufficient for integration purposes. In addition to the retention of existing landscaping, applicants will be required to supplement landscaping using appropriate locally characteristic or indigenous species as necessary through provision of a landscape management plan. All landscape features which are required to be retained will be appropriately conditioned to be protected prior to the commencement of any other site works including site clearance.

Design

All proposals should be of high quality to mitigate visual impact on the landscape. The most successful rural designs are those based upon simple shapes and forms and use of traditional local building materials.

Opportunities for contemporary re-interpretation of tradition form in the locality will not be precluded.

Access and other ancillary works

A new access is often the most visible feature of a development proposal in the countryside. Wherever possible, access should be taken from an existing laneway and, as far as practicable, run unobtrusively alongside existing hedgerows or walls, complemented by additional landscaping.

Sweeping driveways are a suburban form of development and will not be acceptable. Roadside, field boundary hedges and traditional stone walls should be retained or reinstated following any access works, to help mitigate the impact of new development.

Large formal areas between a new building and the public road can result in a prominent and unnatural feature in the countryside and are considered unacceptable.

Effective site selection and design principles for compliance with the policies of COU15 are illustrated and set out in the Department's design guidance, 'Building on Tradition' (May 2012).

Additional design guidance for proposals within designated Areas of Outstanding Natural Beauty is contained in relevant design guide publications.

COU16 Rural Character and other Criteria

In all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area.

A new development proposal will be unacceptable where:

a) it is unduly prominent in the landscape

b) it is not sited to cluster with an established group of buildings

c) it does not respect the traditional pattern of settlement exhibited in that area

d) it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl

e) it has an adverse impact on the rural character of the area

f) it would adversely impact on residential amenity

g) all necessary services, including the provision of non mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality

h) the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character

i) access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

Justification and Amplification

In all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety.

Landscapes around settlements have a special role to play in maintaining the distinction between town and country. The principle of drawing a settlement limit is partly to promote and partly to contain new development within the settlement limit to maintain that distinction. Proposals that mar this distinction or create urban sprawl will be considered unacceptable. An exception will be allowed for Social and Affordable Housing, subject to compliance with this policy and those of Policy COU5.

Access arrangements must be in accordance with the Department's published guidance.[16] Design guidance contained within the Department's publication, 'Building on Tradition': A Sustainable Design Guide for the Northern Ireland Countryside' (May 2012) must be taken into account in assessing all development proposals in the countryside.

[16] Development Control Advice Note 15 'Vehicular Access Standards' (August 1999)



B: A Thriving Place

Driving Sustainable Economic Growth

4.ECONOMIC DEVELOPMENT

ED1 Economic Development[17] in Cities and Towns

Class B1 Business

A development proposal for Class B1 business (a) office, (b) call centre, (c) research and development will be permitted:

a) in a designated city or town centre or in other locations identified in the Local Development Plan for such uses such as a district or local centre or business park

b) elsewhere in city or towns, where there is a definite proposal and it is demonstrated that no suitable site exists under part

(a) applicants will be expected to demonstrate that an edge of city/town centre location is not available before a location elsewhere within the settlement limits is considered

c) on zoned employment land identified in the Local Development Plan, where it is demonstrated that no suitable site exists under parts (a) and (b).

Class B2, Light Industrial, B3 General Industrial and B4 Storage or distribution

A development proposal for Class B2, B3 and B4 use will be permitted:

a) on zoned employment land identified in the Local Development Plan where it is demonstrated that the proposed use is compatible with adjacent or nearby uses and is of a scale, nature and form appropriate to the existing area.

Elsewhere in cities and towns such proposals will be determined on their individual merits.

Justification and Amplification

The Local Development Plan will ensure that an ample supply of land is available for economic development purposes on suitable sites within larger settlements to meet the future demands of business, industrial, and storage and distribution enterprises.

The primary focus for expanding business employment, will remain the city and town centres. Some Class B1 development centred on activities such as Information Technology and Computing (ITC) are clearly closely related to high technology knowledge-driven light industrial uses, and there are economic and other benefits in grouping such uses in a business park environment. The Local Development Plan will indicate suitable locations in district or local centres, or business parks at the Local Policies Plan stage.

Where it is demonstrated that there is a definite rather than a speculative proposal for a new Class B1 office development, which would make a substantial contribution to the economy of a particular town and no suitable site exists within the existing city or town centre, district or local centre or business park, consideration may be given to an alternative site within the urban area. A location on the periphery of the existing city or town centre must be considered first, having the least detrimental impact on town centre business functions.

In order to allow a degree of flexibility for business uses where opportunity does not exist within an existing city or town centre, or elsewhere within a city or town, proposals will be considered acceptable on zoned employment land in accordance with the policy requirements outlined. This would allow

[17] For the purpose of policies ED1 to ED9 economic development is defined by those uses set out in Part B of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015

investors to secure a location for expansion which would not otherwise be available to them within the existing city/town centre.

For any proposed business use in a District or Local Centre Policy TC4 will apply. For any site to be found acceptable it will need to be compatible with existing land uses in the immediate area and meet all relevant planning and environmental standards.

B2, B3 and B4 uses will only be permitted on zoned employment land used for that purpose where it is compatible with adjacent and nearby uses.

Zoned employment land will be subject to further review as part of the Local Policies Plan.

ED2 Economic Development in Villages and Small Settlements

Class B1 Business Use

A development proposal for small-scale Class B1 business use will be permitted where it can be demonstrated that: the nature and design of the proposal are appropriate to the character of the settlement and it is centrally located. In addition, for small settlements the floorspace for any individual proposal is limited to a maximum of 200 square metres gross external floorspace.

Class B2 Light Industrial Use and Class B3 General Industrial Use and Class B4 Storage or Distribution Use

A development proposal for a Class B2 light industrial use, Class B3 general industrial use or Class B4 storage or distribution will be permitted where it can be demonstrated that the scale, nature and design of the proposal are appropriate to the character of the settlement and is compatible with any adjacent residential use.

Justification and Amplification

Within villages and small settlements, favourable consideration will be given to applications for industrial, business and storage or distribution uses provided the proposal is of a scale, nature and design appropriate to the character of the settlement involved and it meets the normal planning criteria for this type of development.

ED3 Expansion of an Established Economic Development Use in the Countryside

Such proposals in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a proportionate increase in the site area. Extensions or new buildings should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest.

Proposals for expansion will be expected to be accommodated through the reuse or extension of existing buildings on site. If demonstrated that this is not possible, new buildings are required to be in proportion to the existing building(s) and integrated into the overall development and surroundings.

Proposals for expansion that would not meet the above policy provisions will only be permitted in exceptional circumstances where it is demonstrated that:

a) relocation of the enterprise is not possible for particular operational or employment reasons

b) the proposal would make a significant contribution to the local economy

c) the development would not undermine rural character and provide suitable integration (see Policies COU15 and COU16).

Justification and Amplification

While expansion is desirable for job creation, it can change the nature of the enterprise and impact on the local environment. The advantages to the rural economy of job creation or an expanded industrial/business facility must be balanced against the potential for adverse impacts on the environment.

In all cases where permission for expansion is granted, the Council will require measures to be taken to ameliorate the impact on the landscape by conditions relating to landscaping, parking and service provision.

ED4 Redevelopment of an Established Economic Development Use in the Countryside

A proposal for the redevelopment of an established economic development use in the countryside for employment or business purposes (or a sui generis employment use) will be permitted where it is demonstrated that all the following criteria can be met:

a) the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a proportionate increase in the site area

b) there would be environmental benefits as a result of the redevelopment

c) the redevelopment scheme deals comprehensively with the full extent of the existing site or in the case of partial redevelopment addresses the implications for the remainder of the site

d) the overall visual impact of replacement buildings is not significantly greater than that of the buildings to be replaced.

The redevelopment of an established industrial or business site for storage or distribution purposes, subject to the above criteria, will only be permitted in exceptional circumstances taking account of environmental or transport impacts. Redevelopment proposals involving retailing will not be permitted.

Proposals for the redevelopment of sites for tourism, outdoor sport and recreation or local community facilities will be viewed sympathetically where all the above criteria can be met.

Exceptionally, proposals for social and affordable housing may be permitted on former industrial sites that cannot realistically be redeveloped for industry, provided they meet the policy provisions of Policy COU5 Affordable Housing.

Justification and Amplification

The complete or partial redevelopment of these sites may offer the opportunity for environmental improvement and job creation without impacting on the amenity of the countryside.

Where proposals involve partial redevelopment, applicants will be required to address the potential impact on the remainder of the site.

An exception will be permitted for small-scale proposals for storage and distribution use on part of an existing site used for employment use, or for redevelopment schemes involving an ancillary element of storage or distribution use, provided in both cases the general policy criteria can be met.

The redevelopment of existing economic development sites in the countryside for other uses considered appropriate in a rural area, such as a tourism or recreation facility, will be permitted where the proposal meets the above criteria.

ED5 Major[18] Economic Development in the Countryside

Any new B2 or B3 industrial development proposal which demonstrates a significant contribution to the regional economy will be permitted in the countryside where the proposal due to its size or site specific requirements needs a countryside location. Such proposals will be assessed taking account of:

a) the long-term sustainable economic benefits

b) the availability of alternative sites

c) the environmental or transport impacts.

Where a development proposal is judged acceptable in principle in the countryside under the above, an edge of town location will be favoured over a location elsewhere in the rural area.

Justification and Amplification

Whilst economic development is generally best located within settlements the Council recognises that certain proposals, because of their size or specific site requirements, may require to be located in the countryside.

In all cases an economic development proposal will have to provide sufficient information to demonstrate that the proposal is regionally viable and an exploration of alternatives, including urban, and edge of urban sites, should be made and demonstrated to be unsuitable. The Council will consider not only the economic needs and benefits but also the wider long-term environmental effects of the proposal. A Transport Assessment and associated Travel Plan may be required, and proposals may also be subject to formal environmental assessment under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.

Where such a proposal is justified in principle, the Council will expect the design of any buildings and associated development infrastructure to be of the highest standard. The Council will not normally grant permission for existing urban based enterprises seeking relocation in the countryside.

ED6 Small Rural Projects

A proposal to develop a small community enterprise centre or a small rural industrial enterprise on land outside a village or small settlement will only be permitted where it is demonstrated that all the following criteria are met:

a) it is a definite proposal and there is no suitable site within the settlement

b) the proposal would benefit the local economy or contribute to community regeneration

c) the development will cluster with the settlement, but will not dominate it, adversely affect landscape setting or otherwise contribute to urban sprawl.

Justification and Amplification

This policy allows a flexible approach, ensuring adequate provision of land outside a village or small settlement, where definite proposals exist for such projects and there is a lack of suitable land within existing settlements.

In all cases applicants will have to provide sufficient information to demonstrate:

- the proposal is viable and what sources of finance are available to sustain the project
- an assessment of the likely contribution the enterprise will make to the local economy and the level of community support
- detailed information to illustrate there is no reasonable prospect of securing a suitable site within the limits of the particular settlement

[18] Thresholds for major economic development, including those of regional significance are set out in the Schedule to the Planning (Development Management) Regulations (Northern Ireland) 2015

- justification for the particular site chosen and illustrative details of the proposed design and site layout relative to the settlement.

The grant of planning permission will not in itself allow for inappropriate alternative uses on the site if an approved scheme for some reason does not go ahead.

ED7 Retention of Zoned Land and Economic Development

Zoned Land in all Locations

Development that would result in the loss of land or buildings zoned for economic development in a Local Development Plan to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.

An exception will be permitted for the development of a B1 or sui generis employment use within an existing or proposed economic/employment area where it can be demonstrated:

a) the proposal is compatible with the predominant economic use

b) it is of a scale, nature and form appropriate to the location

c) the proposal will not lead to a significant diminution of the economic/employment land resource in the locality and the plan area generally.

A further exception will apply to retailing and commercial leisure development which is ancillary in nature.

Unzoned Land in Settlements

On unzoned land a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, or land last used for these purposes, will only be permitted where it is demonstrated that:

a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy

b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use

c) the proposal is for the development of a compatible sui generis employment use of a scale, nature and form appropriate to the location

d) the present use has a significant adverse impact on the character or amenities of the surrounding area

e) the site is unsuitable for modern employment/economic, storage or distribution purposes

f) an alternative use would secure the long-term future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not

g) there is a definite proposal to replicate existing economic benefits on an alternative site in the vicinity.

A development proposal for the reuse or redevelopment of an existing Class B1 business use on unzoned land will be determined on its merits.

Justification and Amplification

The Council is keen to support the diversity of the local economy and the retention of existing sites for economic development is necessary to achieve this aim.

The existence of redundant business premises and derelict industrial land can be an important resource for the creation of new job opportunities in areas of high unemployment, particularly small businesses, helping reduce the demand for greenfield sites.

Any decision to reallocate such zoned land to other uses where necessary will be carried out as part of the Local Policies Plan process.

An exception on zoned land may be made for a sui generis employment use compatible with the existing or proposed economic development use.

On unzoned land for a mixed use scheme, as a specific regeneration initiative to meet the needs of a particular locality, a significant element of the lands should be retained for economic purposes.

ED8 Development Incompatible with Economic Development Uses

A proposal for development in the vicinity of an existing or approved economic development use that would be incompatible with this use or that would prejudice its future operation will be refused.

Justification and Amplification

In some instances new development could prejudice the continued existence of a particular economic development use. This arises where the particular processes being carried out have a tendency to cause adverse effects of some kind on adjacent land, even when all reasonable remedial measures have been taken by the operator.

Where development is proposed in the locality of an existing economic development use requiring a contaminant free environment, special attention will be paid to the needs of the existing economic development use for a clean/sterile environment in determining the proposal.

Non-planning legislation requirements, for example Environmental Health Regulations, may result in costly new requirements and restrictions being imposed on such businesses as a consequence of new neighbouring development. In such circumstances, planning permission will be refused in order to avoid jeopardising employment in the existing enterprise.

ED9 General Criteria for Economic Development

Any proposal for an economic development use (including extensions) outlined in Policies ED1 to ED8 will also be required to meet all of the following criteria:

a) it is compatible with surrounding land uses

b) it does not harm the amenities of nearby residents

c) it does not adversely affect features of the natural or historic environment

d) it is not located in an area of flood risk and will not cause or exacerbate flooding

e) it does not harm the water environment

f) it does not create a noise nuisance

g) it is capable of dealing satisfactorily with any emission or effluent

h) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified

i) adequate access arrangements, parking and manoeuvring areas are provided

j) a movement pattern is provided that meets the needs of people whose mobility is impaired and public transport, walking and cycling provision forms part of the development proposal

k) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity

l) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view

m) it is designed to deter crime and promote personal safety

n) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape

o) it meets the requirements of Policy NH1.

Justification and Amplification

When considering economic development proposals the Council will seek to minimise adverse effects on the amenities of adjacent properties, particularly dwellings, and the natural and historic environment.

Environmental issues relating to economic development are not only important in themselves but can make sound economic sense. Well-designed buildings and sites are better for the wider environment and can minimise running costs. Development should aim to create an attractive, healthy, safe and sustainable environment.

For major developments a Transport Assessment and a Travel Plan will be required. The Council will seek to ensure that proposed development will not lead to increased congestion on the public road network and that the location chosen is also accessible to walking, cycling and public transport networks.

The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 set out the types of projects where an Environmental Statement will be required to assess the likely environmental effects of the proposal and properly consider any mitigating factors.

5.MINERALS DEVELOPMENT

MD1 Environmental Protection

The Council will support minerals development where proposals can demonstrate the need for that mineral resource balanced against the need to protect and conserve the natural and historic environment.

Minerals development within or in close proximity to an area that has been designated, or is proposed for designation to protect its landscape, scientific, natural or built heritage significance will not normally be granted permission where this would prejudice the essential character of the area and the rationale for its designation.

Permission for the extraction of peat for sale will only be granted where the proposals are consistent with the protection of Boglands valuable to nature conservation interests, and with the protection of landscape quality particularly in an Area of Outstanding Natural Beauty (AONB).

Justification and Amplification

The Council will balance the case for a particular mineral working proposal against the need to protect and conserve the environment, taking account of all relevant environmental, economic and other considerations.

In all circumstances, decisions on mineral applications will be made with regard to the preservation of soil quality (where this is particularly suitable for agriculture), water quality, tree and vegetation cover, wildlife habitats, natural features of interest in the landscape and sites of archaeological or historic interest. Within the Council area there is one Special Protection Area (SPA) and Ramsar Site at Lough Neagh including the water body of Portmore Lough.

Mitigation of proposals impacting upon the environment will also include, where applicable, measures designed to prevent pollution of water bodies, watercourses and ground water. Such measures should be included in applications for mineral extraction and processing plants, including settlement ponds. The provision of reliable protective measures will be an important factor in assessing the acceptability of the proposal. The Council, having regard to Environmental Impact Assessment (EIA), Habitats Regulations Assessment (HRA) and the Wildlife and Natural Environment Act (NI) 2011 (WANE), where necessary, will balance the case for a particular mineral working proposal against the need to protect and conserve the environment.

MD2 Visual Impact

Where permission is granted for minerals development, landscape quality should be protected by attaching conditions designed to avoid or mitigate any adverse visual impacts. Particular regard should be paid to the preservation of skylines and to the proposed location of plant, stockpiles and overburden/ waste within the development.

Justification and Amplification

To minimise their visual impact in the landscape, workings should, where possible, be located to take advantage of existing landforms and features. Plant, stockpiles and overburden/ waste associated with minerals development should be suitably located within the existing landform so they do not impact on the existing skyline. Landscape quality can be further protected through planning conditions that either avoid or mitigate any adverse impacts from the proposal.

MD3 Areas of Mineral Constraint

There will be a general presumption against the granting of planning permission for the extraction and/or processing of minerals in areas of Mineral Constraint with the exception of valuable minerals as set out in policy MD4. Further exceptions to this policy may be made within an area of constraint where the proposed operations are limited to short term extraction and the environmental/amenity impacts are not significant. In such cases, on-site processing of the excavated material is unlikely to be appropriate.

Justification and Amplification

Areas of Mineral Constraint are areas which should be protected from minerals development because of their intrinsic landscape, amenity, scientific or heritage value (including natural, historic and archaeological heritage). These may form all or part of an Area of Outstanding Natural Beauty (AONB) or be outside an AONB, for example in Areas of High Scenic Value (AoHSV). They may include or be part of areas designated, listed or otherwise protected for their scientific value or archaeological or historic interest. Where a designated area covers expansive tracts of land, the Council will carefully consider the scope for some minerals development that avoids key sites and that would not unduly compromise the integrity of the area as a whole or threaten to undermine the rationale for the designation.

Areas of Mineral Constraint will be subject to review at the Local Policies Plan.

MD4 Valuable Minerals

Applications to exploit minerals which are particularly valuable to the economy, limited in occurrence and with some uncommon or valuable property, will be considered on their own merits. There will not be a presumption against their exploitation in any area, however, in considering a proposal where the site is within a designated area in the Local Development Plan, due weight will be given to the reason for the statutory zoning. All proposals that may affect a European or Ramsar site must meet the requirements of NH1.

Justification and Amplification

Minerals may be discovered which are particularly valuable to the economy. Their exploitation may create environmental effects which are particular to the methods of extraction or treatment of that mineral.

Applications are likely to be subject to assessment under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, and other assessments as outlined in the Justification and Amplification of Policy MD1.

MD5 Unconventional Hydrocarbon Extraction

Planning permission will not be granted for the exploitation of hydrocarbons which involve unconventional methods of extraction until there is sufficient and robust evidence on all environmental impacts.

Justification and Amplification

New methods of unconventional hydrocarbon extraction, such as fracking, are thought to have unacceptable impacts on the environment. Until proven otherwise unconventional methods of extraction will not be permitted.

MD6 Mineral Safeguarding Areas

Surface development which would prejudice future exploitation of an identified mineral resource of economic or conservation value will not be permitted.

Justification and Amplification

Where there are mineral resources of economic or conservation value the Council will seek to ensure the workable mineral resources are not sterilised by other surface development which would prejudice future exploitation.

Mineral Safeguarding Areas will be subject to review at the Local Policies Plan stage.

MD7 Safety and Amenity

Proposals for minerals development must have particular regard to the safety and amenity of the occupants of developments in close proximity to the mineral workings. Minerals development likely to compromise safety or to significantly impair the amenity of people living or working in proximity to the site will not normally be acceptable.

Justification and Amplification

Proposals which impact upon the residential amenity of adjacent or nearby development may require mitigation measures.

Adverse impacts could result from noise, vibration and dust arising through excavation, processing or transporting of materials. Where such impacts are judged by the Council to be incompatible with adjacent or nearby uses planning permission should be refused, unless the developer can demonstrate adequate means of mitigation to address such impacts.

Proposals may be satisfactorily mitigated by requiring sufficient separation between mineral operations and housing development, particularly where such operations involve blasting. The distance required between nearby uses will vary according to a number of factors including the nature of operations, intervening topography and the layout/design of housing development.

MD8 Traffic Implications

Where traffic from a minerals development proposal would prejudice the safety and convenience of road users, planning permission will normally be refused unless the access road and/ or local road network can be satisfactorily improved.

Justification and Amplification

When considering applications for new mineral developments with access onto the main traffic route network, particular attention will be paid to the importance of the mineral to the economy of the area, alternative sources of the mineral, the availability of an alternative access and the suitability of the access.

MD9 Restoration Proposals

Applications for the extraction of minerals must include satisfactory restoration proposals.

Justification and Amplification

The preferred types of reclamation and after use depend on a number of factors, including, the characteristics of the deposits, nature of excavation, availability of fill materials, the surrounding landscape, the needs of the local community and the potential for nature conservation and biodiversity on the site.

In order to secure sustainable restoration, including the appropriate re-use of mineral sites, planning applications should be required to provide adequate details demonstrating the satisfactory restoration of sites subsequent to the completion of operations. Such provisions must be underpinned by appropriate conditions attached to any grant of planning permission.



C: A Vibrant Place

Growing our City, Town Centres, Retailing and Other Uses

6.TOWN CENTRES, RETAILING AND OTHER USES

TC1 Town Centres, Retailing and Other Uses

A Sequential Approach will be adopted for planning applications for retail and other city/ town centre uses[19] to be considered in the following order of preference:

a) primary retail core and retail frontage (where designated)

b) city or town centres

c) edge of city or town centres

d) out of centre locations – only where sites are accessible by a choice of good public transport.

Justification and Amplification

Retail development within the city or town centres maximises business opportunities, promotes competition and innovation and enhances quality of life by stimulating economic investment. In order to sustain and enhance the vitality and viability of town centres and their functions, town centres, or where designated their primary retail core, and retail frontage will be the first choice for all retailing development.

The provision of a sequential approach enables a range of retailing opportunities appropriate to the needs of the community. The sequential approach will help ensure that consideration is first given to the primary retail core and retail frontage, followed by city and town centres to encourage viability and vitality. Preference will then be given to an edge of centre location before considering an out of centre location. For a site to be considered as edge-of–centre a default distance threshold of 300 metres from the town centre boundary will apply.

Business uses are encouraged as appropriate to assist with urban regeneration, increase footfall and job creation. For the purpose of this policy 'businesses' are those uses falling within Classes A2 and B1 of Part B of the Schedule of the Planning (Use Classes) Order (Northern Ireland) 2015.

Other town centre uses, for example education, community and leisure buildings should follow this hierarchy approach to further enhance the attractiveness and vibrancy of centres in a sustainable manner, helping to reduce travel demand.

Proposals for retail or town centre type developments above a threshold of 1,000 square metres gross external area which are not proposed in a town centre location or in accordance with the Local Development Plan will be required to undertake a Retail Impact Assessment and/or an assessment of need. This includes proposed extensions to existing premises which would result in the overall development exceeding 1,000 square metres gross external area.

TC2 Lisburn City Centre Primary Retail Core and Retail Frontage

Within the designated primary retail core of Lisburn City Centre, planning permission will be granted for development proposals to convert non-retail uses to retail uses.

Non-retail development will be restricted within the primary retail frontage so that no more than 25% of the frontage of the street to which it relates is in non-retail uses and no more than 3 adjacent units are in non-retail use. Within the primary retail frontage, planning permission for non-retail uses will be permitted on upper floors.

[19] Includes cultural and community facilities, retail, leisure, entertainment and businesses (Strategic Planning Policy Statement, Paragraph 6.271)

Outside the designated primary retail core and retail frontage, and elsewhere within the city centre, retail development will be granted planning permission where it can be demonstrated that there is no suitable site for the proposed development within the primary retail core.

Justification and Amplification

The purpose of the Primary Retail Core and the retail frontage is to ensure the continuance of a compact, lively, and attractive shopping environment. A strong identifiable, consolidated and visible retail offering will maintain the long term sustainability of retailing in Lisburn City Centre. The Plan seeks to strengthen the role of the primary retail core and retail frontage within the City Centre by encouraging retailing uses to locate within these areas first in order to enhance and sustain their vitality and viability.

TC3 Town Centres

The Plan seeks to strengthen the role of the three primary towns, Carryduff, Royal Hillsborough and Moira, which serve a local population and offer a variety of services. Planning permission will be granted for retail and other town centre uses where all of the following criteria are met:

a) proposals are suitable in terms of scale, size, design and form

b) proposals do not conflict with other statutory designations, such as Conservation Area designation.

Beyond a designated town centre boundary proposals for town centre uses will only be granted planning permission in accordance with the sequential approach of Policy TC1 and where there would be no adverse impact on adjacent land uses.

Justification and Amplification

Retail, leisure and business uses will be promoted within existing town centres. Promoting town centres as the principal locations for retailing and leisure, with a mix of employment, entertainment, cultural, bars, cafes and restaurants which complement the range and choice of facilities for residents, contributes to the night-time economy and supports tourism.

All proposals must be of scale appropriate to the location and take account of any designations potentially conflicting with the proposed development.

Carryduff is the only town currently with a designated town centre boundary. It is intended to propose town centre boundaries within Royal Hillsborough and Moira as part of the Local Policies Plan. Proposals must be appropriately designated to take account of the Conservation Area designation in these locations.

TC4 District and Local Centres

In these centres, planning permission for retailing, business or community development proposals will be granted provided it is demonstrated that:

a) the proposal meets a local need

b) it would not adversely affect the vitality and viability of existing centres in the catchment area of the proposal

c) the proposal would not alter the role and function of the centre

d) proposed B1 (a) office developments do not exceed 400 square metres of gross floorspace.

Outside of these centres, planning permission for local neighbourhood shop proposals will be granted where:

a) it is demonstrated that it meets a local need that cannot be met by locating within a District or Local Centre;

b) it would not adversely affect the vitality and viability of existing centres in the catchment area of the proposal.

Proposals for local neighbourhood shops must be of an appropriate scale to ensure that their retail function, providing for everyday local convenience shopping needs does not undermine the vitality and viability of Town, District and Local Centres.

Justification and Amplification

The role and function of a District Centre is to perform a complementary role in providing consumers with convenience and choice in locations outside of, and coexisting with, city and town centres; the role and function of a Local Centre, comprising small groups of shops and offices, is to provide commerce and community services to a local population.

The existing Forestside District Centre and Dundonald Local Centre provide a focus for local shopping and offer a complementary role in providing shoppers with convenience and choice. They should not compete with other hierarchy centres, however they form an important role for local communities, allowing people to shop close to where they live.

Proposals for other town centre uses within these designated centres must remain appropriate to the primary convenience retailing role of these centres, ensuring that their function, scale and character is maintained. For this reason business use as defined under Class B1(a) of the Planning (Use Classes) Order (Northern Ireland) 2015 will be limited up to 400 square metres.

Applicants must clearly demonstrate a need for local neighbourhood shops. Local neighbourhood shops can play a significant role in the provision of everyday convenience shopping to existing or new residential areas (in accordance with Operational Policy HOU2 b) of the Plan Strategy), that are deficient in such provision and which other defined centres cannot readily serve. They should be small in scale appropriate to the local need only. The development of new buildings will not be permitted where there are existing vacant and suitable premises in the locality to accommodate the proposal.

All proposals must comply with the other relevant operational policies contained within the Plan Strategy. The amount of retail floorspace permitted will be controlled by planning condition.

It is intended to assess the District and Local Centre boundaries as part of the Local Policies Plan.

TC5 Villages and Small Settlements

Proposals for retailing, business or community uses in villages and small settlements will be granted where:

a) it is demonstrated a proposal meets a local need

b) it is of a scale, form and design that does not affect the existing character and appearance of the area.

Justification and Amplification

Growth of appropriate scale, nature and type should also be encouraged in villages and small settlements to retain their vitality and meet an identified local need. This will ensure the sustainability of the local community and also the wider rural population. This policy recognises the important role villages and small settlements can play in rural communities.

TC6 Petrol Filling Stations and Roadside Service Facilities

Petrol filling stations should be located within a defined settlement limit, subject to the following:

a) safe and appropriate access can be achieved at the site

b) it is demonstrated there is a clear need for the facility that cannot be catered for by an existing petrol station on the same transport route

c) proposals for retail unit(s) associated with the Petrol Filling Station above a threshold of 1,000 square metres gross external area which are not within a defined settlement limit will be required to undertake a Retail Impact Assessment and/or an assessment of need.

In circumstances where an associated retail unit is proposed, which is under 1,000 square metres (gross area) and is provided at an edge of Town Centre or out of Town Centre location, a quantitative and qualitative assessment of need may be required that clearly demonstrates and takes account of the proposal's impact on defined centres and existing facilities serving a similar function.

An exception may be permitted for proposals on the trunk road network[20] in the countryside, subject to compliance with the above policy criteria and where it is demonstrated a clear need for the facility exists that cannot be provided within a defined settlement limit.

Proposals should include an appropriate number of reserved electric charging point spaces and their associated equipment.

Justification and Amplification

Petrol filling stations and associated retailing facilities can enhance the needs of the local community whilst roadside service facilities provide convenience for travellers along main transport routes. As such applicants must clearly demonstrate a need for such development proposals through robust analysis of quantitative and qualitative data of existing centres, petrol stations and roadside facilities.

The location of Petrol Filling Stations and Roadside Service Facilities can, by their nature, be difficult to integrate within the surrounding context. Such development should be accompanied by sufficient information to demonstrate the proposal conforms with Strategic Policy SP05 - Good Design and Positive Place-Making.

Proposals must comply with the requirements of the Access and Transport policies of this Plan Strategy, particularly Policies TRA2 and TRA3 to ensure safe and convenient access to the site.

Proposals in a countryside location are considered in exceptional circumstances only.

The level of retailing will be controlled by planning conditions.

[20] As designated by Article 14 of the Roads (Northern Ireland) Order 1993. Details of Trunk Roads can be obtained from the Department for Infrastructure – Eastern Roads Division.



D: An Attractive Place

Promoting Sustainable Tourism, Open Space, Sport and Outdoor Recreation

7.TOURISM

TOU1 Tourism Development in Settlements

Planning permission will be granted for tourism development (including a tourism amenity or tourist accommodation) within a settlement, provided it is of a nature appropriate to the settlement, respects the site context and surrounding area in terms of scale, size & design and has regard to the specified provisions of the Local Development Plan.

Justification and Amplification

A tourism amenity is defined by the Tourism (NI) Order 1992 as an amenity, facility or service provided primarily for tourists but does not include tourist accommodation.

Tourist accommodation is defined by the Tourism (NI) Order 1992 as a Hotel, Guest house, Bed and breakfast, Hostel, Self-catering, Bunk house/Camping barn, Campus accommodation or Guest accommodation. Further details on these categories are available on the Tourism NI website.

Tourism can provide a focus for regeneration schemes being a key component of mixed use development. Tourism benefits by the synergy arising from the concentration of hotels, museums, art galleries, conference facilities, restaurants, bars, cinemas and theatres, often located within town centres. Transport links are also fundamental in the provision of sustainable tourism.

There is a requirement for high quality design and high quality service provision particularly in areas with other relevant designations such as Conservation Areas, Areas of Townscape or Village Character, Scheduled Monuments, Listed Buildings and Historic Parks, Gardens and Demesnes.

Consideration will also be given to environmental designations, which may preclude tourism development from particular areas, in order to safeguard its integrity, such as those of nature conservation importance.

TOU2 Proposals for Tourism Amenity in the Countryside

New Proposals

Planning permission will be granted for a tourism amenity in the countryside where it is demonstrated that:

a) it is associated with and requires a site at or close to a particular tourism attraction located in the countryside; or

b) the type of tourism amenity in itself requires a countryside location.

Where possible all proposals that include buildings must make provision in existing buildings.

Where a proposed tourism amenity is of regional importance or is otherwise significant in terms of the extent of new build or the scale of engineering operations, a tourism benefit statement and sustainable benefit statement must be submitted to demonstrate benefit to the region and locality.

Extension[21] of an Existing Tourism Amenity

An extension of any existing tourism amenity will be permitted where its scale and nature does not harm the rural character, amenity, landscape quality or environmental integrity of its locality.

Proposals will be expected to be accommodated through conversion, the reuse

[21] Refers to an extension of the Tourism Amenity operation or an extension to buildings within that operation

or extension of existing buildings on the site, unless it can, by exception, be demonstrated that this is not a viable option. Proposals for a new building should be sited and designed to integrate with the overall tourism amenity. In all cases the location, siting, size, design, layout and landscaping must be based on an overall design concept that respects the surrounding landscape, rural character and site context.

Justification and Amplification

Provision is made where the tourism amenity and associated facilities require a rural location in terms of their functionality or site/area specific requirements.

The impact on rural character, landscape and natural/historic environments is an important consideration, particularly within areas designated for their landscape, natural or cultural heritage qualities.

A tourism benefit statement and sustainable benefit statement must demonstrate benefit to the region and locality taking account of the considerations set out in Supplementary Planning Guidance, Part D, Tourism, Page 33. A tourism benefit statement must demonstrate the value of the proposal in terms of its tourism revenue and employment provision and how it will further the aims of the Department for the Economy (DfE) tourism strategies and policies. Tourism NI will be requested to comment in regard to tourism benefit.

Relevant considerations on a sustainable benefit statement are set out in Supplementary Planning Guidance, Part D: Tourism.

TOU3 Proposals for Tourist Accommodation in the Countryside

Planning permission will be granted for Tourist Accommodation[22] in the following circumstances and defined criteria:

Replacement of an Existing Rural Building

A definite proposal to replace an existing building in the countryside with tourist accommodation will be permitted subject to all of the following criteria:

a) the building is of permanent construction

b) the existing building and its replacement are both of sufficient size to facilitate the proposed use in accordance with the accommodation requirements set out in Tourism (NI) Order 1992

c) the existing building is not a listed building

d) where the existing building is a vernacular building or is a suitable locally important building, replacement will only be approved where it is demonstrated that the building is not reasonably capable of being made structurally sound or otherwise improved

e) the overall size and scale of the new development, including car parking and ancillary facilities, will allow it to integrate into the surrounding landscape and will not have a visual impact significantly greater than the existing building

f) the design of the replacement building is of a high quality, appropriate to its rural setting.

Tourist Accommodation on the Periphery of a Settlement

A definite proposal to develop tourist accommodation on the periphery of a settlement limit will be permitted subject to all of the following criteria:

a) must be demonstrated that there is no suitable site within the settlement or other nearby settlement

b) there are no suitable opportunities by means of;

[22] Defined by the Tourism (NI) Order 1992, tourist accommodation includes hotel, guest house, bed and breakfast, guest accommodation, tourist hostel, bunk house or campus accommodation

- **the conversion and reuse of a suitable building(s) or**

- **the replacement of a suitable building(s)**

c) the development will not dominate the settlement, adversely affect landscape setting, visually integrate into the landscape, or otherwise contribute to urban sprawl.

Expansion of Existing Tourist Accommodation

A proposal for the expansion of existing tourist accommodation will be permitted subject to the following criteria:

a) new and replacement buildings remain subsidiary to the existing buildings and will integrate as part of the overall development

b) any extension or new building should respect the scale, design, and materials of the original building.

Any proposed change of use or replacement of tourist accommodation approved under this policy to a non-tourism use will not be permitted.

Justification and Amplification

The conversion and reuse of a vernacular building or a suitable locally important building for such uses, will be favourably considered and assessed under policies HE13, COU4 and COU14 as appropriate. Where it is demonstrated that the environmental benefit of full or partial replacement will outweigh the retention and conversion of the building a report on the condition of the building and the economic feasibility of repairing and maintaining it will be assessed for such proposals.

It is important that definite proposals for new build tourist accommodation are not impeded due to a lack of suitable land within settlements. Where a location outside a settlement can be clearly demonstrated; the site should be on the periphery of a settlement limit, subject to amenity and environmental considerations.

Applications made under this policy will be required to be accompanied with the following information:

- Evidence to indicate how firm or realistic the particular proposal is and what sources of finance are available (including any grant aid) to sustain the project

- Evidence that there is no reasonable prospect of securing a suitable site within the limits of the particular settlement or other nearby settlement

- Justification for the particular site chosen and illustrative details of the proposed design and site layout.

In the case of replacement of a vernacular building or a suitable locally important building in the countryside, a proposal must be accompanied by reports to ascertain its structural soundness and the economic feasibility of repairing and maintaining it. Such reports must be submitted by suitably experienced and accredited engineers, architects or building surveyors in the conservation field.

Applicants should be aware of Tourism NI's current objective of achieving 3 star grading for any accommodation to meet the needs and quality expectations of local and international visitors.

Proposals which are deemed to be acceptable in principle will be required to include sufficient mitigation measures, including landscaping and design, to ameliorate any negative impacts and secure higher quality development.

TOU4 Self-Catering Tourist Accommodation in the Countryside

Planning permission will be granted for self-catering tourist accommodation units in either of the following circumstances:

a) one or more new units all located within the grounds of an existing or approved tourist accommodation or holiday park

b) a cluster of 3 or more new units are to be provided at or close to an existing or approved tourism amenity that is/will be a significant visitor attraction in its own right.

With regards to circumstances (a) or (b), self-catering development is required to be subsidiary in scale and ancillary to the primary tourism use of the site.

Where self-catering units are proposed in conjunction with a proposed or approved tourist accommodation, tourism amenity or holiday park, a condition will be attached to the permission preventing occupation of the units before the primary tourism use is provided and fully operational.

All permissions for self-catering accommodation will include a condition requiring the units to be used for holiday letting accommodation only and not for permanent residential accommodation. The overall design of the self-catering scheme, including layout, the provision of amenity open space and the size and detailed design of individual units, must deter permanent residential use.

Justification and Amplification

Proposals under criteria a) of this policy will be considered within the grounds of existing or approved tourist accommodation or holiday park.

Under criteria b) the tourism amenity, as the primary function, must be significant in its own right. Considerations will include visitor numbers and the provision of facilities linked to and enabling usage of the amenity. The Council may consult with Tourism NI.

Where self-catering units are permitted, it is imperative that the primary tourism use which provides the justification is in place and functioning, before the units become operational. A condition will be attached to planning approvals to that effect.

Self-catering accommodation approved under this policy will be conditioned to ensure they are retained for tourism use as tourism has an economic benefit for local communities. Their use as permanent residential accommodation will not be acceptable.

Policy COU14 also allows for the conversion and reuse of existing buildings for non-residential uses such as tourism.

TOU5 Holiday Parks in the Countryside

Planning Permission will be granted for a holiday park or an extension to an existing facility where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development.

The location, siting, size, design, layout and landscaping of the holiday park proposal must be based on an overall design concept that respects the surrounding landscape, rural character and site context.

Proposals for holiday park development must be accompanied by a layout and landscaping plan and will be subject to all of the following criteria:

a) the site is located in an area that has the capacity to absorb the holiday park development, without adverse impact on visual amenity and rural character

b) effective integration into the landscape must be secured primarily through the utilisation of existing natural or built features. Additional boundary planting may be required

c) adequate provision (normally around 15% of the site area) is made for communal open space (including play and recreation areas and landscaped areas), as an integral part of the development

d) the layout of caravan pitches/motor homes is informal and characterised by discrete groupings or clusters of units separated through the use of appropriate soft landscaping.

Justification and Amplification

Holiday parks are important for the domestic tourism market. Such parks offer a range of accommodation, including static caravan holiday homes, holiday chalets, glamping facilities, pitches for touring caravans, motor-homes and camping, as well as a diverse range of infrastructure and amenity provision.

Appropriate site selection is crucial to ensure visual integration into the landscape. Design, layout and landscaping is fundamental to achieve a high quality development that integrates into the landscape and respects the surrounding rural context.

Further guidance on site layout and landscape design is set out in Supplementary Planning Guidance, Part D.

TOU6 Proposals for Major[23] Tourism Development in the Countryside

A definite proposal for a major tourism development in the countryside will be permitted if it meets all of the following criteria:

a) demonstration of exceptional benefit to the tourism industry supported by a detailed and comprehensive business case and business plan

b) demonstration that the proposal requires a countryside location by reason of its size or site specific or functional requirements

c) demonstration of sustainable benefit to the locality.

All major proposals must be accompanied by a statement demonstrating how the proposal meets these criteria.

Justification and Amplification

The proposal's ability in itself to attract tourists to Northern Ireland will be significant in assessing whether it will offer exceptional benefit to the tourism industry.

Proposals offering a tourism amenity likely to attract significant numbers of visitors along with a commensurate level and quality of visitor accommodation will be considered under this policy.

All major applications will be expected to be accompanied with the following information:

- a tourism benefit statement demonstrating the value of the proposal in terms of tourism revenue, increased visitor numbers to Northern Ireland and the locality
- sufficient evidence to demonstrate how realistic the particular proposal is
- justification for the particular site chosen and illustrative details of the proposed design and site layout
- a sustainable benefit statement taking account of the considerations set out in Supplementary Planning Guidance, Part D: Tourism.

[23] Major thresholds are set out in the Schedule to the Planning (Development Management) Regulations (NI) 2015

The Council will consult with the Northern Ireland Tourist Board and other appropriate bodies on all Major Tourism schemes.

TOU7 General Criteria for Tourism Development

Any proposal for a tourism use, outlined in Policies TOU1 to TOU6 and any extension/ alteration to existing tourism uses will also be required to meet all of the following criteria:

a) the overall design insofar as possible, will indicate walking and cycling provision, meet the needs of people whose mobility is impaired, respect existing public rights of way and provides adequate and convenient access to public transport

b) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality promoting sustainability and biodiversity

c) appropriate boundary treatment and means of enclosure are provided and areas of outside storage are screened from public view

d) sustainable drainage systems are provided to ensure surface water run-off is managed in a sustainable way

e) it is designed to deter crime and promote personal safety

f) public art linked to a tourism development, need to be of high quality, complementing the design of associated buildings and respecting the surrounding site context

g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area

h) it does not harm the amenities of nearby residents

i) it does not adversely affect features of the natural or historic environment

j) it is capable of dealing with any emission or effluent in accordance with legislative requirements.

k) all proposals that may affect a European or Ramsar site must meet the requirements of NH1.

Justification and Amplification

The general criteria is intended to achieve satisfactory forms of sustainable tourism development, providing a high standard of design and service provision. This includes the reuse of redundant buildings for tourism purposes rather than new build on greenfield sites, energy conservation and the use of sustainable drainage systems.

Within the Council area there is one Special Protection Area (SPA) and the Ramsar site at Lough Neagh including the water body of Portmore Lough which could be adversely affected by cumulative disturbance effects. Such disturbance could arise directly from a tourism development or indirectly through increasing visitor pressures beyond the development.

TOU8 Safeguarding of Tourism Assets

Planning permission will not be granted for development that would in itself, or in combination with existing and approved development in the locality, have an adverse impact on a tourism asset such as to significantly compromise its tourism value.

This policy provides for the safeguarding of all tourism assets, including those which are subject to protection for other reasons under various legislative or policy instruments and those which are not subject to such protection.

Justification and Amplification

For the purposes of this policy, a tourism asset is defined as any feature associated with the historic or natural environment which is of intrinsic interest to tourists.

The safeguarding of tourism assets from unnecessary, inappropriate or excessive development is a vital element in securing a viable and sustainable tourism industry. To allow such development could damage the intrinsic character and quality of the asset and diminish its effectiveness in attracting tourists.

There are many diverse features or combinations of features associated with the natural and historic environment of the area which are of intrinsic interest to tourists. Some examples within the Council area include the River Lagan, the Lagan Navigation, the wider Lagan Valley Regional Park and Area of Outstanding Natural Beauty (AONB). Examples of historic environment assets include the Irish Linen Centre, Lisburn Museum, Lisburn's Historic Quarter, Conservation Areas and historical and archaeological sites in the Council area.

Policy TOU8 is applicable to all forms of development which may impact adversely on a tourism asset. Adverse impact includes a proposal's visual impact, for example within an area of high landscape quality or in a Conservation Area, either of which could be important for attracting tourists. Adverse impact could also arise through other sources, for example odour, noise, dust or pollution of air or watercourses. What constitutes 'adverse impact' and the determination of the extent of its influence are matters of planning judgement and each case will be assessed on its merits.

This policy is not intended to prevent all development. Development that will not significantly compromise the overall tourism value of the asset may be facilitated. Where the tourism asset is large scale, for example an AONB, key locations of tourism value at a local level should also be safeguarded. Development of a tourism amenity intended to provide sustainable access to or interpretation of a tourism asset (as provided for through policy TOU2) will be required to be sensitive to the inherent qualities and setting that underpins its tourism value.

Some tourism assets are already subject to protection from inappropriate or excessive development through statutory designation. This policy is intended to complement such measures in the specific interests of tourism while affording protection to other undesignated environmental assets.

8.OPEN SPACE, SPORT AND OUTDOOR RECREATION

OS1 Protection of Open Space

Development that will result in the loss of existing open space or land zoned for the provision of open space will not be permitted, irrespective of its physical condition and appearance.

An exception will be permitted where it is demonstrated that redevelopment will bring substantial community benefits[24] that decisively outweigh the loss of the open space.

An exception may also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on amenity, character or biodiversity of an area in either of the following circumstances:

a) an area of open space of 2 hectares or less, where alternative provision is made by the developer and is as accessible to current users and equivalent in terms of size, usefulness, attractiveness, safety and quality

b) playing fields and pitches within settlement limits, where it is demonstrated by the developer that the retention and enhancement of that facility can only be achieved by the development of a small part of the existing open space, limited to a maximum of 10% of overall area, which will have no adverse impact on the sporting potential of the facility.

Justification and Amplification

For the purpose of this policy a definition of, and types of open space are set out in Supplementary Planning Guidance, Part D: Definition of Open Space.

Open space is essential in any community and supports many cultural, social, economic, health and environmental benefits. It enhances the quality of the residential environment and can also provide valuable areas for nature conservation and biodiversity, act as a buffer between conflicting land uses, help reduce flood risk, promote pedestrian linkages and provide 'green lungs' that improve air quality. Ultimately open space and its use contributes to general health and wellbeing.

Protection of open space is particularly important in urban areas where competing development pressures are greatest. There will be a policy presumption against the loss of open space to competing land uses. Any exception to this policy approach will only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of open space, for example the provision of affordable housing by a Housing Association or the Northern Ireland Housing Executive in accordance with Policy HOU10; or where it is demonstrated that the loss of open space will have no significant detrimental impact.

Development can provide opportunities to recreate open space or outdoor recreational facilities at alternative locations. This will only be considered for areas of 2 hectares or less and a key consideration will be the accessibility of the proposed new space to all existing users.

A Section 76 Planning Agreement tying the financial gain arising from redevelopment of an existing playing field or pitch to the retention and enhancement of the open space facility will normally be required.

Any deterioration in the appearance or condition of open space due to inadequate management or maintenance over time, will not be sufficient justification in itself for the loss of the open space to alternative uses.

[24] Affordable Housing in accordance with Policy HOU10 is one such example

OS2 Intensive Sports Facilities

Development of intensive sports facilities will only be permitted where these are located within settlements.

An exception may be permitted in the case of the development of a sports stadium where it meets all of the following criteria:

a) no alternative site within the settlement can accommodate the development

b) the proposed development site is located close to the edge of the settlement and can be clearly identified as being visually associated with the settlement

c) there is no adverse impact on the setting of the settlement

d) the scale of the development is in keeping with the size of the settlement.

In all cases, the development of intensive sports facilities will be required to meet all of the following criteria:

a) there is no unacceptable impact on amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated

b) there is no adverse impact on features of importance to nature conservation or the historic environment

c) buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment

d) the proposed facility takes into account needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport

e) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.

Justification and Amplification

For the purpose of this policy 'intensive sports facilities' are defined as a purpose built indoor or outdoor resource which facilitates one or more activity fundamental to maintaining individual health and fitness. This may include stadia, sports halls, leisure centres, swimming pools and other indoor (and outdoor) sports facilities. They can also serve as a focus for the community.

The location of intensive sports facilities can be contentious, and by their very nature and scale can give rise to particularly complex planning considerations such as impact on amenity, and sustainability issues. Such facilities shall be located within settlements in order to maximise the use of existing infrastructure. As an exception a sports stadium may be allowed outside of a settlement, but only where clear criteria is established, which can justify a departure from this approach.

The Council wishes to ensure that development of intensive sports facilities takes place in appropriate locations. Factors for consideration include the need for the facility, the size and makeup of the proposed catchment population, accessibility to this population in terms of walking and cycling distances and proximity to public transport.

Detailed information should accompany proposals for intensive sports facilities to enable the Council to make a full assessment of the development. Exceptionally, the Council

may be prepared to accept development at the edge of a settlement. Specific justification for the choice of site, together with details of what alternative sites were considered and the reasons these could not accommodate the development, need to have been provided.

OS3 Noise-Generating Sports and Outdoor Recreational Activities

Proposals for the development of sport or outdoor recreational activities that generate high levels of noise will only be permitted where all the following criteria are met:

a) there is no conflict, disturbance or nuisance caused to people living nearby or other noise sensitive uses

b) there is no conflict, disturbance or nuisance caused to farm livestock and wildlife#

c) there is no conflict, disturbance or nuisance caused to the enjoyment of the natural environment/nature conservation and the historic environment.

Justification and Amplification

The impact of noise is an important issue in assessing proposals for activities such as motorsports, shooting, water-skiing and paintball adventure games. Such activities can cause disturbance to local residents conflicting with nearby noise sensitive uses such as schools, hospitals, nursing homes and places of worship. They can also be disruptive to farm animals and wildlife and have a detrimental effect on the natural and historic environment.

Measures can sometimes be taken to reduce noise at its source. Only in locations where the impact of noise can be effectively contained and minimised by the use of natural features, such as landform or woodland, should proposals generally be considered. There may be occasions where the Council may consider it appropriate to grant planning permission for a limited period to allow the impact of noise levels and any potential disturbance or nuisance to be assessed.

Particular care will also be necessary in assessing proposals in areas of high landscape quality such as Areas of Outstanding Natural Beauty (AONB).

Where appropriate the Council will liaise with Sport Northern Ireland to ascertain if the activity is subject to a code of practice or other means of control such as licensing conditions.

OS4 Facilities Ancillary to Water Sports

Development of facilities ancillary to water sports adjacent to inland lakes, reservoirs and waterways will be permitted where all of the following criteria are met:

a) it is compatible with any existing use of the water, including non-recreational uses

b) there is no adverse impact on features of importance to the natural environment/ nature conservation, archaeology or the historic environment

c) there is no adverse impact on visual amenity or the character of the local landscape

d) it will not result in water pollution or an unacceptable level of noise or disturbance

e) buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and demonstrate that they are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment

f) the proposed facility takes into account the needs of people with disabilities

g) there is no conflict with the provisions of any local management plan associated with the body of water.

Justification and Amplification

Water-based sports in Northern Ireland are an increasingly popular activity and our rivers, reservoirs, lakes and canals are an important recreational resource. Management plans drawn up for particular water areas, for example River Basin Management plans or natural heritage designations such as Ramsar sites, seek to control and address the compatibility of varying demands on waterbodies.

In considering the development of ancillary facilities to support water sport uses, the Council will assess the impact on the visual amenity and character of the area. It is the intention of the Council to conserve the environmental quality and character of inland bodies of water and to protect them and their surroundings from harmful development.

Proposals for facilities must demonstrate that they will not damage either the waterbody or its wider environment. The Council will require proposals to achieve high standards of siting, design and landscaping in terms of layout, buildings and other structures and high quality treatment for boundaries either adjacent to public roads or the actual waterway. Proposals should include details of all landscaping and surface treatments, encouraging use of permeable surfacing where possible.

OS5 Floodlighting of Sports and Outdoor Recreational Facilities

The Council will only permit the development of floodlighting associated with sports and outdoor recreational facilities where its design and operation meets all of the following criteria:

a) there is no adverse impact on the amenity of people living nearby

b) there is no adverse impact on the natural environment/nature conservation, visual amenity or character of the locality

c) public safety is not prejudiced.

Justification and Amplification

Care must be taken to ensure that such development will not cause unacceptable harm to amenity, the natural environment or prejudice public safety. Issues for consideration include the potential for increased use of the facility, light pollution, visual amenity and increased traffic and noise generation.

Floodlighting can be disruptive to wildlife, for example foraging bats, having an adverse impact on their natural environment. Floodlighting can prejudice public safety, interfering with the safe use and operation of any form of traffic or transport on land, on or over water or in the air.

Floodlighting proposals may be permitted subject to the imposition of conditions limiting the operational hours/frequency of their use, restricting the luminance or brightness of the lights or requiring the installation of appropriate shielding.

OS6 Outdoor Recreation in the Countryside

Proposals for outdoor recreational use in the countryside will be permitted where all of the following criteria are met:

a) **there is no adverse impact on features of importance to natural environment/nature conservation, or the historic environment**

b) **there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography**

c) **there is no adverse impact on the amenities of people living nearby**

d) **any ancillary buildings or structures are designed to a high standard, taking into account the needs of people with disabilities, are of a scale appropriate to the local area, and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment**

e) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed.

Justification and Amplification

Recreational activity can make a contribution to the rural economy through provision of activity tourism, for example canoeing, climbing, horse-riding and mountaineering, to other activity-focused areas such as nature watching, food trails, or local culture and heritage trails, creating employment opportunities in various related sectors.

With the growth of activities which, by their nature are located in the countryside, the Council wants to ensure that any new recreational developments are sustainable and do not conflict with the need to preserve, and wherever possible, enhance our environment for future generations. Any ancillary facilities should not become dominant in the landscape or impact on the wider environment.

Special care will be exercised in areas of nature conservation, heritage importance or landscape amenity value. Proposals in such areas will also need to be considered in relation to the Council's operational policies relating to the Historic Environment and Natural Heritage (Policies HE1-HE14 and NH1-NH6).

Golf Courses

Golf courses and ancillary development associated with them can have a significant visual impact on the countryside. Golf courses should be located in harmony with the local landscape and designed to conserve the natural environment. Existing tree cover should be integrated into schemes and where additional planting is proposed preference will be given to indigenous/native species. In addition attention should be given, where possible, to habitat creation and the management and protection of wildlife networks.

Each proposal should contain full details of the site and its immediate environs, including the effect on any public rights of way together with information on potential adverse impacts or environmental benefits associated with the development. These details should include information on landscaping and land levels, both existing and proposed, access arrangements, car parking and ancillary facilities such as a clubhouse.

Golf Driving Ranges

Driving ranges often need high safety fencing and generally seek floodlighting to permit evening use. Driving ranges will generally only be acceptable where they will not be detrimental to the natural environment, the local landscape setting and the general character of the locality.

Equestrian Uses

Outdoor participatory recreational uses such as riding schools will normally be considered acceptable in principle, provided the scale of ancillary buildings is appropriate to its location and can be integrated into their landscape surroundings. Consideration should be given to the reuse and conversion of existing traditional or redundant farm buildings for associated ancillary purposes.

Any other Development based on Recreational Use

The existence of any outdoor recreational use (and the subsequent demand for additional development) will not in itself provide the justification for approving an associated development if this would not be acceptable in its own right.



E: A Green Place

Protecting and Enhancing the Historic and Natural Environment

9.HISTORIC ENVIRONMENT AND ARCHAEOLOGY

HE1 The Preservation of Archaeological Remains of Regional Importance and their Settings

The Council will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and Areas of Significant Archaeological Interest (ASAIs). Development which would adversely affect such sites of regional importance or the integrity of their settings must only be permitted in exceptional circumstances. This approach applies to such sites which, whilst not scheduled presently, would otherwise merit statutory protection.

Justification and Amplification

The Council will consult with the Department for Communities (DfC) Historic Environment Division, taking into account all material considerations in assessing development proposals affecting sites of regional importance. Exceptions to this policy are likely only to apply to proposals of overriding importance in the Northern Ireland context.

In assessing proposals for development in the vicinity of monuments in state care the Council will pay particular attention to the impact of the proposal on:

- the critical views of, and from the site or monument including the protection of its setting
- the access and public approaches to the site or monument
- the experience, understanding and enjoyment of the site or monument by visitors.

Scheduled monument consent is required from DfC for any works affecting the scheduled monument. Accordingly where applications for planning permission are submitted which involve works affecting a scheduled monument the Council will encourage the submission of an application for scheduled monument consent in order that these may be considered concurrently, having been subject to prior engagement with DfC Historic Environment Division.

In assessing development proposals affecting sites which would merit scheduling the Council will proceed as for State Care and scheduled monuments and only permit development in exceptional circumstances.

HE2 The Preservation of Archaeological Remains of Local Importance and their Settings

Proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings shall only be permitted where the Council considers that the need for the proposed development or other material considerations outweigh the value of the remains and/or their settings.

Justification and Amplification

The Council will consult with DfC and will consider a number of factors in assessing the local significance of archaeological sites and monuments. These factors should be viewed as indicators which contribute to a wider judgement based on the individual circumstances of a case and may include one or more of the following:

- Appearance: distinctive features in the landscape/townscape or local landmarks
- Quality: well-preserved or extensive buried remains
- Folklore/historical interest: association with a person or event in local tradition or legend
- Group value: one of a number of locally important sites
- Rarity: a locally rare example.

In cases where development proposals affect archaeological sites and monuments or their settings which are not of regional or local importance the Council will still have regard to the desirability of preserving such remains and their setting. Where it is decided that development may proceed this will be conditional on appropriate archaeological mitigation measures (see Operational Policy HE4).

HE3 Archaeological Assessment and Evaluation

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Council will require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not made available the Council will refuse planning permission.

Justification and Amplification

The needs of archaeology and development can often be reconciled, and potential conflict avoided or much reduced, if developers discuss their proposals with the Council at an early stage. An archaeological assessment normally entails a desk based study, by a qualified/ suitably accredited archaeologist, of existing information including records of previous discoveries, historic maps or geophysical surveys.

An archaeological field evaluation involves ground surveys and limited and targeted licensed excavation[25] which is quite distinct from full archaeological excavation. Evaluations of this kind help to define the importance, character and extent of the archaeological remains that may exist in the area of a proposed development, and thus indicate the weight which should be attached to their preservation. They may also provide information useful for identifying potential options for minimising or avoiding damage. Such information will permit informed and reasonable planning decisions to be taken by the Council through consultation with DfC.

HE4 Archaeological Mitigation

Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, the Council will impose planning conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate completion of a licensed excavation and recording examination and archiving of remains before development commences or the preservation of remains in situ.

Justification and Amplification

The preservation in situ of important archaeological remains is always to be preferred to excavation.

There will however be occasions when the Council through consultation with DfC Historic Environment Division may decide that the significance of the remains is not sufficient when weighed against all other material considerations, including the importance of the development, to justify their physical

[25] Department for Communities (Historic Environment Division) are responsible for the licensing of archaeological excavations in Northern Ireland

preservation in situ and that the development should proceed with excavation. In such cases developers will be required to prepare and carry out a programme of archaeological works using professional archaeologists and working to a brief agreed by the Council through consultation with DfC Historic Environment Division.

An offer to facilitate excavation by developers will not justify a grant of planning permission for development which would damage or destroy archaeological remains whose physical preservation in situ is both desirable (because of their level of importance) and feasible.

Discovery of Previously Unknown Archaeological Remains

There may be occasions when the presence of archaeological remains[26] only becomes apparent once an approved development has actually commenced. On rare occasions the importance of such remains may merit their scheduling and developers would need to seek separate scheduled monument consent before they continue work. It is also open to the Council to revoke a planning permission if deemed necessary.

Areas of Archaeological Potential

There are areas within settlement limits, where, on the basis of current knowledge, it is likely that archaeological remains will be encountered in the course of continuing development and change. These will be referred to as areas of archaeological potential within the Local Policies Plan.

Information on archaeological heritage within the Council area can be found at www.communities-ni.gov.uk.

HE5 Historic Parks, Gardens and Demesnes of Special Historic Interest

The Council will not permit development which would lead to the loss of, or cause harm to, the overall character, principal components or setting of historic parks, gardens and demesnes of special historic interest. Where exceptionally, planning permission is granted this will be conditional on the accurate recording of any features of interest which will be lost as a result of the development.

Justification and Amplification

Demesnes with their distinct boundary features make a valuable contribution to the quality and character of the local landscape, while those parks, gardens and demesnes that are open to the general public provide an important informal recreational resource. It is important that these valuable features of our historic environment are protected from development which would harm their historic character.

In assessing proposals for development in or adjacent to parks, gardens and demesnes of special historic interest particular attention will be paid to the impact of the proposal on:

- the archaeological, historical or botanical interest of the site
- the site's integrity and overall quality and setting including its original design concept and other associated features which should where possible be maintained
- trees and woodland and the site's contribution to local landscape character
- any buildings or features of character within the site including boundary walls, pathways, garden terraces or water features
- planned historic views of, to or from the site or buildings within it.

[26] The Historic Monuments and Archaeological Objects (NI) Order 1995 requires the reporting of the discovery of any archaeological object

Where a decision is taken to permit development which would result in the loss of any distinctive features of historic parks, gardens and demesnes, the Council through consultation with the Department for Communities will require developers to carry out recording, working to a brief prepared by DfC, so that knowledge of this part of our landscape heritage is not entirely lost.

A Register of Parks, Gardens and Demesnes of special historic interest in Northern Ireland, based on a comprehensive inventory, is held by the Department for Communities. There are also a number of parks, gardens and demesnes which retain only some elements of their original form. These are included in an appendix to the main register as 'supplementary' sites.

HE6 Change of Use and/or Extensions or Alterations to a Listed Building

The Council may permit the change of use and/or extension or alteration of a listed building where this will secure its upkeep and survival. Such development should respect the essential character, special architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired.

Proposals should protect, conserve and where possible enhance the listed building, based on a clear understanding of the importance of the building/place/heritage asset. This should support the best viable use that is compatible with the fabric, setting and character of the building. Applicants should justify their proposals, and show why alteration of a listed building is desirable or necessary.

Justification and Amplification

The Council accepts that new compatible uses should be found for historic buildings where they can no longer reasonably be expected to serve their original use and where the integrity of their built fabric is under threat.[27] In most cases this will mean a use which is economically viable and may necessitate some degree of adaptation to the building. The works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building.

Any assessment requires balancing the economic viability of possible uses against the effect of any changes they entail in the special architectural or historic interest of the building in question. The impact of the proposed new use to the established character of the building and the surrounding area should also be assessed. In principle the aim should be to identify the best viable use that is compatible with the fabric, setting and character of the building and it should be noted that this may not necessarily be the most profitable use.

Many listed buildings can tolerate some degree of thoughtful alteration or extension to accommodate continuing or new uses; however the cumulative works over a period of time has the potential for negative impacts on the listed building in the longer term.

The Council through consultation with DfC Historic Environment Division will consider whether the works proposed would cause unnecessary damage to the listed building, whether the additions are in keeping with other parts of the building and if any new internal or external features harmonise with their surroundings.

In judging the effect of any alteration or extension DfC will assess the elements that make up the special interest of the building in question. All proposals for alteration should also be based on a proper understanding of the significance of the listed building.

Further detailed guidance on alterations to listed buildings is set out in Supplementary Planning Guidance, Part E: Guidelines for Listed Buildings. The Council would also draw

[27] Refer to Buildings at Risk Series (Historic Environment Division)

attention to the British Standards Institution publication BS 7913:2013 which provides advice, information and guidance on the principles of the conservation of historic buildings.

The Council recognises the importance of allowing people with disabilities easy access to and within listed buildings. If access requirements are treated in an integrated and systematic way, and a flexible and pragmatic approach is taken, then it is normally possible to plan suitable access for people with disabilities without compromising a listed building's special interest, subject to Listed Building Consent.

Where a building forms part of an architectural group, for example, part of a terrace it may not be possible to make even minor external alterations without disrupting the architectural unity of the group.

HE7 Control of Advertisements on a Listed Building

The Council will grant the consents necessary for advertisements or signs on a listed building only where these are carefully designed and located to respect the architectural form and detailing of the building, amenity of the locality and which are not detrimental to public safety.

Justification and Amplification

Proposals to display signs or advertisements on a listed building should use quality materials and be of a scale and form designed to complement the age and architectural style of the building. They should be carefully located and not impact on any architectural detailing or structural divisions of the building.

The use of standard corporate signage by major companies will generally be inappropriate. Signage on the upper floors of buildings and the internal illumination of signs will not normally be acceptable.

Projecting signs can often adversely affect the appearance and character of listed buildings and will therefore require very careful consideration. Where they are considered acceptable particular attention will be paid to size, design and materials. In most situations signs and advertisements displayed on listed buildings should not be illuminated. Where illumination is justified it should be achieved unobtrusively. Light fittings mounted above and projecting forward of the sign will not normally be acceptable.

Applicants should note that advertisements or signs on a listed building will also require a separate Listed Building Consent for the proposal.

HE8 Demolition or Partial Demolition of a Listed Building

There will be a presumption in favour of retaining listed buildings. Proposals for the total or partial demolition of listed building will not be permitted unless there are exceptional reasons why the building cannot be retained in its original or a reasonably modified form. Where, exceptionally, listed building consent is granted for demolition this will be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.

Justification and Amplification

The demolition of any listed building should be wholly exceptional and will require the strongest justification through the provision of evidence of the building's condition that demonstrates it is not reasonably capable of being made structurally sound or otherwise improved. Consent will not be granted for the total or partial demolition of any listed building without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses.

A structural engineer's report to ascertain structural soundness will be required to indicate alternative options for stabilisation of

the existing structure have been considered in efforts to retain the listed building. Reports submitted for consideration on the integrity of the building including structural integrity must be submitted by suitably experienced and accredited engineers, architects, building surveyors in the conservation field. Structural issues will not be given substantive weight when making a case of demolition where these have arisen due to neglect of a listed building through lack of maintenance or failure to secure it by current or previous owners.

Consent will not be given simply because redevelopment is economically more attractive to the developer than repair and re-use of the building. Accordingly where proposed works would result in the total demolition of a listed building, or of any significant part of it, the Council, through consultation with DfC will assess the following factors:

- the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use; in rare cases where it is clear that a listed building has been deliberately neglected in the hope of obtaining consent for demolition, less weight will be given to the cost of repairs
- the adequacy of efforts made to retain the building in use
- the merits of alternative proposals for the site.

Proposals for the demolition of a listed building will not be considered in isolation from proposals for subsequent redevelopment. The Council will require developers to submit detailed drawings illustrating the proposed redevelopment of the site to accompany a listed building consent application for demolition.

Where consent to demolish a listed building is granted, this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building prior to its demolition.

A Section 76 Planning Agreement may be used to ensure the site is subsequently redeveloped for the purpose granted.

HE9 Development affecting the Setting of a Listed Building

Proposals which would adversely affect the setting of a listed building will not be permitted. Development proposals will normally only be considered appropriate where all the following criteria are met:

a) the detailed design respects the listed building in terms of scale, height, massing and alignment

b) the works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building

c) the nature of the use proposed respects the character of the setting of the building.

Justification and Amplification

The Council will consult DfC on proposals for development which by its character or location may have an adverse effect on the setting of listed buildings. Such proposals will require very careful consideration even if the development would only replace a building which is neither itself listed nor immediately adjacent to a listed building. Development proposals some distance from the site of a listed building can sometimes

have an adverse effect on its setting e.g. where it would affect views of an historic skyline. Certain proposals, because of the nature of their use, can adversely affect the character of the setting of a listed building or group of buildings through noise, nuisance and general disturbance.

The setting of a listed building is often an essential part of a building's significant character. Therefore the design of the new buildings to stand alongside heritage assets is particularly critical. The extent to which proposals will be required to comply with the criteria will be influenced by a variety of factors: the character and quality of the listed building; the proximity of the proposal to it; the character and quality of the setting and the extent to which the proposed development and the listed building will be experienced in juxtaposition; and how the setting of the heritage asset is understood, seen experienced and enjoyed and the impact of the proposal on it.

The design of new buildings planned to stand alongside historic buildings is particularly critical. Such buildings must be designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment and use appropriate materials.

Where it is considered that a development proposal may affect the setting of a listed building the Council through consultation with DfC will normally require the submission of detailed and contextual drawings which illustrate the relationship between the proposal and the listed building.

HE10 New Development in a Conservation Area or Area of Townscape Character/Area of Village Character

The Council will require new development within a Conservation Area to:

- **enhance the character and appearance of the area where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise.**

The Council will require new development within an ATC/AVC to:

- **maintain or enhance the overall character of the area.**

In addition to the above criteria, the Council will permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a Conservation Area or ATC/AVC where all the following criteria are met:

a) the development is in sympathy with the characteristic built form of the area

b) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area

c) the development does not result in adverse environmental impacts such as noise, nuisance or disturbance which would be detrimental to the particular character of the area

d) important views within, into and out of the area are protected

e) trees, archaeological or other landscape features contributing to the character or appearance of the area are protected

f) the development conforms with guidance set out in Supplementary Planning Guidance, Part E.

Justification and Amplification

Conservation Areas are merited statutory designation by the Council based on their historic built form or layout as 'areas of special architectural or historic interest within its district the character or appearance of which it is desirable to preserve or enhance'.

Areas of Townscape Character (ATC) or Areas of Village Character (AVC) are designated through the Local Development Plan due to 'distinct character normally based on their historic built form or layout. For the most part this derives from the cumulative impact of the area's buildings, their setting, landscape and other locally important features'.

Designation as a Conservation Area or ATC/AVC puts an onus on prospective developers to produce a very high standard of design in accordance with the following criteria.

General Criteria

General issues to be taken into account in assessing development proposals in a conservation area or ATC/AVC include:

- the appropriateness of the overall massing of the development
- its scale and size
- its relationship with its surrounding context e.g. respecting historic layout, street patterns, land form and adjoining architectural style
- the use of materials generally matching those which are historically dominant in the area
- the need for the development not to have a visually disruptive impact on the existing townscape
- the development should not adversely affect the character of a conservation area through noise, nuisance and general disturbance

New Buildings, Change of Use and/or Extensions or Alterations

The development of new buildings and/or extensions or alterations of buildings in a Conservation Area or ATC/AVC should be high quality design, and sensitive to the existing buildings, character and appearance of the particular area and will not prejudice the amenities of adjacent properties. Extensions should be subsidiary to the building, of an appropriate scale, use appropriate materials and should normally be located on the rear elevations of a property. Careful consideration will be required for alterations and extensions affecting the roof of a property as these may be particularly detrimental to the character and appearance of a Conservation Area or ATC/AVC.

In assessing applications for the change of use of a property, consideration will be given to other land use policies and the impact of the proposed use on the character and appearance of the Conservation Area or ATC/AVC. Shop fronts should be sympathetic to their setting and relate in scale, proportions and materials to the remainder of the building and the local street scene.

Trees

Trees often make an important contribution to the appearance and character of a Conservation Area or ATC/AVC. In assessing development proposals affecting a conservation area the Council will take into account their potential impact on existing trees.

Where trees make an important visual, historic or amenity contribution to the area the Council will seek appropriate protection measures through the imposition of planning conditions or may consider making a Tree Preservation Order.

All trees within a Conservation Area are automatically protected as though a Tree Preservation Order was in place under Section 127 of the Planning Act (Northern Ireland) 2011.

Setting of a Conservation Area

New development will be expected to respect the character and appearance of the Conservation Area and retain important views in and out of the area.

Conservation Area Design Guides

Design Guides constitute supplementary planning guidance and are considered to be an important material consideration. The Council will therefore attach considerable weight to the need for proposals for new development to accord with the specific guidance drawn up for each particular Conservation Area and any other relevant documents identified.

Information to accompany all Planning Applications

The Council will require detailed drawings to accompany all planning applications in a conservation area which illustrate the proposal in its context.

When requested a Design and Access Statement incorporating a clear, concise analysis of how the proposal respects the essential character, heritage value and special architectural or historic interest of the building/ structure and its setting.

Article 4 Directions within Conservation Areas

The Council will consider making an Article 4 Direction under the Planning (General Permitted Development) Order (Northern Ireland) 2015 removing certain permitted development rights. While the designation of a conservation area in itself does not automatically justify the making of Article 4 directions, they may have a role to play if they would help to protect features that are key elements within the area, taking into consideration the following:

- a clear assessment of an area's special architectural and historic interest has been undertaken
- the importance to that special interest of the features to be included in the direction is established
- there is evidence of local support for the direction
- the direction involves the minimum withdrawal of permitted development rights necessary to achieve its objective.

HE11 The Control of Advertisements in a Conservation Area or Area of Townscape Character/Area of Village Character

In a Conservation Area the Council will only grant consent for the display of advertisements in or close to a Conservation Area where they would not adversely affect the overall character, appearance or setting of the area.

In Areas of Townscape Character (ATC) or Areas of Village Character (AVC) consent for the display of an advertisement should only be granted where the overall character and appearance of the area will be maintained.

All proposals must also meet the requirements of operational policy AD1 Amenity and Public Safety.

Justification and Amplification

In assessing proposals for advertisements in a Conservation Area or ATC/AVC the Council will give careful consideration to the impact of the proposal on the visual amenity and overall character of the area. Particular regard will be paid to the scale and proportions of the sign, the materials used and whether it is illuminated. Consent will not normally be granted for advertisements which are inappropriate to the architectural style or character of the building on which it is proposed or which would detract from the area in general. Signage on the upper floors of buildings and the internal illumination of signs will not normally be acceptable. Proposals for large advertisement hoardings or which would result in a proliferation of signs can seriously harm the character and appearance of a Conservation Area/ATC/AVC and will therefore normally be refused consent.

Advertisements should conform with guidance set out in Supplementary Planning Guidance, Part F: Guidance for Outdoor Advertisements.

HE12 Demolition or Partial Demolition in a Conservation Area or Area of Townscape Character/Area of Village Character

Within a Conservation Area the Council will only consider demolition of an unlisted building where the building makes no material contribution to the character or appearance of the area and subject to appropriate arrangements for the redevelopment of the site.

Within an Area of Townscape Character (ATC) or Area of Village Character (AVC) the Council will only consider demolition of an unlisted building where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site.

Justification and Amplification

The Council will operate a presumption in favour of retaining any building which makes a positive contribution to the character or appearance of a Conservation Area or ATC/AVC.

The onus will be on the applicant to demonstrate and justify why the building makes no material contribution and the need for demolition. Any demolition would be subject to appropriate arrangements for redevelopment of the site and recording of the building before its demolition.

In determining proposals for demolition or partial demolition of unlisted buildings the Council will therefore take account of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the Conservation Area/ATC/AVC as a whole. In assessing proposals the Council will have regard to the same broad criteria outlined above for the demolition of listed buildings (see policy HE8).

A Section 76 Planning Agreement may be used to ensure the site is subsequently redeveloped for the purpose granted.

The preservation of the public elevations alone of an unlisted building in a Conservation Area or ATC/AVC which makes a material contribution to its appearance or character will only be acceptable in exceptional circumstances, provided the scale of the overall development proposal will not be detrimental

to the areas character or appearance and the scheme can be implemented without serious risk to the retained structure.

Where an applicant submits an application for demolition consent the Council will normally require the following to be submitted:

- A Conservation Structural Engineer's Report to ascertain structural soundness
- A Schedule of Repair Works indicating what measures are to be taken to protect those parts of the building to be retained during construction work
- A Schedule of Costs
- Evidence of options to find compatible alternative uses for the building which retain the historic fabric and structure.

HE13 The Conversion and Reuse of Non-Listed Buildings[28]

Planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a non-listed vernacular building or a suitable locally important building[29] (such as former school houses, churches and older traditional barns and outbuildings) for a variety of alternative uses, where this would secure its upkeep and retention. Such proposals will be required to be of a high design quality and to meet all of the following criteria:

a) the building is of permanent construction

b) the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality

c) any new extension is sympathetic to the scale, massing and architectural style and finishes of the existing building

d) the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued use of adjoining land or buildings

e) the nature and scale of the use is demonstrated to be appropriate to its location.

Justification and Amplification

For the purposes of this policy 'Vernacular Buildings' are those that reflect the local 'folk tradition' and are typical of a common type of building in a particular locality, generally pre 1925. For more detail refer to 'A Sense of Loss – The Survival of Rural Traditional Buildings in Northern Ireland', published by the Department, March 1998. A 'locally important building' is a building, structure or feature, whilst not statutory listed, that has been identified by the Council as an important part of their heritage, due to its local architectural or historic significance.

The Council wishes to encourage the re-use of such buildings by sympathetic renovation or conversion for a range of appropriate uses. This may include proposals for tourism or recreation use, or small-scale employment uses. All development proposals for the conversion of a non-listed vernacular or locally important building should involve a minimum amount of work and should maintain or enhance the existing character of the building and its setting.

Approval will not normally be given to a scheme involving substantial demolition or extensions which significantly alter the appearance or character of the building. Design therefore is particularly important and where extensions or external alterations are proposed, these must reflect the scale, massing, materials and detailing of the existing property. All proposals will therefore be assessed on the

[28] This policy applies to buildings within settlements. See Policies COU4 and COU14 for policy which applies to conversion and reuse in the Countryside

[29] See Department for Communities 'Historic Buildings of Local Importance – A Guide to their identification and protection' May 2017

basis of the harm or loss to the significance of the heritage asset alongside their contribution to the conservation of the building to be converted.

HE14 Enabling Development

Proposals involving enabling development relating to the re-use, restoration or refurbishment of significant places will only be permitted where it can be demonstrated by the applicant in the submission of a Statement of Justification to accompany an application for planning permission that all of the following criteria are met:

a) the significant place to be subsidised by the proposed enabling development will bring significant long-term benefits according to its scale and location

b) the conservation of the significant place would otherwise be either operationally or financially unviable

c) the impact of the enabling development is precisely defined at the outset

d) the scale of the proposed enabling development does not exceed what is necessary to support the conservation of the significant place

e) sufficient subsidy is not available from any other source

f) the public benefit decisively outweighs the disbenefits of departing from other planning policies

g) it will not materially harm the natural and historic heritage values of the significant place or its setting

h) it avoids detrimental fragmentation of the management of the significant place

i) it will secure the long term future of the significant place and, where applicable, its continued use for a sympathetic purpose

j) it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than circumstances of the present owner, or the purchase price paid.

Justification and Amplification

For the purposes of this policy, a significant place means any part of the historic environment that has a heritage value including scheduled monuments, archaeological remains, historic buildings (both statutorily listed or of more local significance) together with any historically related contents, industrial heritage, conservation areas or a historic park, garden of demesne.

The Department's Best Practice Guidance 'Assessing Enabling Development' (April 2014) will be taken into account in considering proposals. In considering enabling development proposals developers are encouraged to enter into pre-application discussions with the planning authority. In all cases proposals must not prejudice road safety.

The benefits to be derived from the conservation of the significant place will be secured either by conditional grant of planning permission or conditional grant accompanied by a planning agreement.

It is intended that this policy will only be used as a last resort where the long-term public benefit of securing a significant place decisively outweighs the disadvantages of departing from normal policy presumptions. It allows for assessment of these proposals as a preliminary requirement and is not to be implemented if the planning authority is not convinced that the public benefit will be gained.

Applications incorporating enabling development should be accompanied by a Statement of Justification. This statement

should include a conservation statement or plans and sufficient, detailed financial information as is necessary to allow the Council, and/or its consultees to make an informed decision upon the application. In particular, the information provided on the enabling development component should be sufficiently detailed to allow the Council to validate the need for, and assess the scale of the enabling development; and consider the impact on private concerns where this coincides with the public interest.

The information supplied by the developer should cover all the financial aspects of the proposed enabling development, in a sufficient degree of detail to enable scrutiny and validation by the Council in consultation with its economists. This applies both to the assessment of need and the assessment of the scale of the enabling development necessary to meet that need. The onus is on the developer to demonstrate that sufficient funds are not available from any other source, such as grant aid.

10.NATURAL HERITAGE

NH1 European and Ramsar Sites - International

Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:

a) a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance)

b) a listed or proposed Ramsar Site.

Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the Council, through consultation with the Department of Agriculture, Environment and Rural Affairs (DAERA), is required by law to carry out an appropriate assessment of the implications for the site in view of the site's conservation objectives. Only after having ascertained that it will not adversely affect the integrity of the site, can the Council agree to the development and impose appropriate mitigation measures in the form of planning conditions.

In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted where:

a) there are no alternative solutions; and

b) the proposed development is required for imperative reasons of overriding public interest; and

c) compensatory measures are agreed and fully secured.

As part of the consideration of exceptional circumstances, where a European or a listed or proposed Ramsar site hosts a priority habitat or priority species listed in Annex I or II of the Habitats Directive, a development proposal will only be permitted when:

a) it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary importance to the environment; or

b) agreed in advance with the European Commission.

Justification and Amplification

The Council will consider the precautionary principle when determining the impacts of a proposed development on international significant landscape or natural heritage resources.

A development proposal which could adversely affect the integrity of a European or Ramsar site may only be permitted in exceptional circumstances as laid down in the relevant statutory provisions.[30]

A list of existing international sites and further information can be found at www.daera-ni.gov.uk.

Candidate Special Areas of Conservation are sites that have been submitted to the European Commission, but not yet formally adopted.

It is recommended that all development proposals be accompanied by a Biodiversity checklist, further details of which can be obtained at www.daera-ni.gov.uk. This

[30] Directives 2009/147/EC and 92/43/EEC known as the Birds Directive and the Habitats Directive

Biodiversity Checklist is intended to provide a 'step by step' tool which can be used by applicants and their agents to help identify if a development proposal is likely to adversely affect any biodiversity and natural heritage interests and what information may be reasonably required to accompany a planning application in order to comply with the relevant legislation and planning policy.

NH2 Species Protected by Law

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

a) there are no alternative solutions; and

b) it is required for imperative reasons of overriding public interest; and

c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and

d) compensatory measures are agreed and fully secured.

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

Justification and Amplification

It is a criminal offence to harm a statutorily protected species. The presence or potential presence of a legally protected species is an important consideration in decision-making. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish whether it is present, the requirements of the species must be factored into the planning and design of the development, and any likely impact on the species must be fully considered prior to any determination.

European protected species are listed under Annex IV of the Habitats Directive (transposed under Schedule 2 of the Habitats Regulations) and must be subject to a system of strict protection. Other national protected species are listed under the Wildlife Order under Schedules (1), (5) & (8).

It is recommended that all development proposals be accompanied by a Biodiversity checklist, further details of which can be obtained at www.daera-ni.gov.uk.

The granting of planning permission does not obviate the holder of ensuring legal compliance with other legislative requirements.

Lists of all protected species of animals and plants can be found at www.daera-ni.gov.uk. As all fish are protected, no lists have been produced.

NH3 Sites of Nature Conservation Importance - National

Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of:

a) an Area of Special Scientific Interest

b) a National Nature Reserve

c) a Nature Reserve

d) a Marine Conservation Zone.[31]

A development proposal which could adversely affect a site of national importance may only be permitted where the benefits of the proposed development clearly outweigh the value of the site.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Justification and Amplification

The Council should apply the precautionary principle when considering the impacts of a proposed development on national significant landscape or natural heritage resources.

Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of:

- An Area of Special Scientific Interest - sites of special interest by reason of their flora, fauna, geological and/or physiographical features are designated under Part IV of the Environment (Northern Ireland) Order 2002. There is a legal duty to take reasonable steps to further the conservation and enhancement of the features by which the ASSI is of special scientific interest

- A Nature Reserve or National Nature Reserve – nature reserves can be of national (and sometimes international) importance. They are usually managed by DAERA or by agreement with another department, a Council or a voluntary conservation body

- A Marine Conservation Zone - sea areas, including the inter tidal zone, designated by the Department under Part 3 of the Marine Act (Northern Ireland) 2013. They are established for the conservation of marine flora and fauna, habitats, and features of geological or geomorphological interest.

Planning authorities should note that nature conservation sites selected as European sites under the Birds and Habitats Directives may also be underpinned, either wholly or in part, by sites selected at national level.

It is recommended that all development proposals be accompanied by a Biodiversity checklist, further details of which can be obtained at www.daera-ni.gov.uk.

A list of existing national sites and their locations can be found at www.daera-ni.gov.uk.

NH4 Sites of Nature Conservation Importance – Local

Planning permission will only be granted for a development proposal that is not likely to have a significant adverse impact on:

a) a Local Nature Reserve

b) a Wildlife Refuge.

A development proposal which could have a significant adverse impact on a site of local importance may only be permitted where the benefits of the proposed development outweigh the value of the site.

In such cases, appropriate mitigation and/or compensatory measures will be required.

[31] Paragraph 215 of the Draft Marine Plan for Northern Ireland, April 2018

Justification and Amplification

Local Nature Reserves are those established by councils under the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. Wildlife Refuges are provided for under the Wildlife (Northern Ireland) Order 1985.

It is recommended that all development proposals be accompanied by a Biodiversity checklist, further details of which can be obtained at www.daera-ni.gov.uk.

A list of existing local sites and their locations can be found at www.daera-ni.gov.uk.

NH5 Habitats, Species or Features of Natural Heritage Importance

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

a) priority habitats

b) priority species

c) active peatland

d) ancient and long-established woodland

e) features of earth science conservation importance

f) features of the landscape which are of major importance for wild flora and fauna

g) rare or threatened native species

h) wetlands (includes river corridors)

i) other natural heritage features worthy of protection including trees and woodland.

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Justification and Amplification

Priority habitats and species may fall within and beyond designated sites. They include both European (as identified under Annex I and II of the Habitats Directive and Annex I of the Birds Directive) and/or Northern Ireland priority habitats and species, identified through the Northern Ireland Biodiversity Strategy (NIBS) (in pursuance of the statutory duties under the Wildlife and Natural Environment (NI) Act 2011.)

'Other' natural heritage features worthy of importance are most likely to include those located along green and blue infrastructure, trees and woodland which do not fall under the priority habitat or long-established woodland categories but are in themselves important for local biodiversity. Certain other features which make a significant contribution to biodiversity may also be included.

To ensure international and domestic responsibilities and environmental commitments with respect to the management and conservation of biodiversity are met, the habitats, species and features mentioned above are material considerations in the determination of planning applications.

It is recommended that all development proposals be accompanied by a Biodiversity checklist, further details of which can be obtained at www.daera-ni.gov.uk.

NH6 Areas of Outstanding Natural Beauty

Planning permission for new development within an Area of Outstanding Natural Beauty (AONB) will only be granted where it is of an appropriate design, is sensitive to the distinctive special character of the area and the quality of its landscape, heritage and wildlife and all the following criteria are met:

a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality

b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape

c) the proposal respects:

- **local architectural styles and patterns**
- **traditional boundary details, by retaining features such as hedges, walls, trees and gates**
- **local materials, design and colour.**

Justification and Amplification

This policy requires development proposals in Areas of Outstanding Natural Beauty (AONB) to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife.

The quality, character and heritage value of the landscape of an AONB lies in their tranquillity, cultural associations, distinctiveness, conservation interest, visual appeal and amenity value.

In assessing proposals, including cumulative impacts in such areas, account will be taken of the Landscape Character Assessments and any other published guidance such as countryside assessments produced as part of the development plan process, as well as AONB Management Plans and local design guides.

It is recommended that all development proposals be accompanied by a Biodiversity checklist, further details of which can be obtained at www.daera-ni.gov.uk.

Design guidance is contained within 'Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside' (May 2012).

Further information on statutory natural heritage designations can be found at www.daera-ni.gov.uk.



F: A Connected Place

Supporting Sustainable Transport and Other Infrastructure

11.ACCESS AND TRANSPORT

TRA1 Creating an Accessible Environment

The external layout of all development proposals will incorporate, where appropriate:

a) facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions

b) user friendly and convenient movement along pathways and an unhindered approach to buildings

c) priority pedestrian and cycling movement within and between land uses

d) ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.

Public buildings will only be permitted where they are designed to provide suitable access for customers, visitors and employees. Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use.

Submission of a Transport Assessment Form (TAF)[32] and a Design and Access Statement may also be required to accompanying development proposals.

Justification and Amplification

For the purpose of this policy 'reserved car parking' refers to disabled or parent and child car parking spaces.

The requirements of this policy and integration of accessibility in the design of a development proposal will benefit everyone in society and should be considered at an early stage.

Many existing buildings are currently not designed for ease of access. In such cases there will be a presumption that suitable access for all will be incorporated as far as reasonably possible.

In the case of historic or listed buildings it should often be possible to plan suitable access for all without compromising the building's special interest or character.

A design and access statement is necessary for certain development proposals. Section 6 of the Planning (General Development Procedure) Order (NI) 2015 (as amended) defines those development proposals and the detail required to show how proposed access arrangements are in compliance with this planning policy. Preference will be given to steps, ramps or mechanical aids located away from the public footpath.

Further information on designing for a more accessible environment is set out in the Department's 'Creating Places – Achieving Quality in Residential Developments' (May 2000).

TRA2 Access to Public Roads

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

a) it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,

b) it does not conflict with Policy TRA3 Access to Protected Routes.

[32] Department for Infrastructure Transport Assessment, Guidelines for Development Proposals in Northern Ireland (Published 9 November 2006)

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

Justification and Amplification

New development will often affect the public road network surrounding it. This policy seeks to avoid or mitigate adverse impacts and ensure that proposed access arrangements are safe and will not unduly interfere with the movement of traffic.

Development proposals involving a new access, or the use of an existing access must be in compliance with the requirements of the Department's Development Control Advice Note 15, Vehicle Access Standards (2nd Edition, published in August 1999). For the purposes of this policy, a field gate is not an existing access.

The proximity of the proposed access to junctions, other existing accesses and the total number of accesses onto a given stretch of road are relevant matters in the assessment of traffic hazards. The combining of individual access points along a road will be encouraged as this can help to improve road safety.

Control over the land required to provide the requisite visibility splays will be required to ensure that they are retained free of any obstruction. This may be subject to a planning condition requiring that no development shall take place until the works required to provide access, including visibility splays, have been carried out.

Exceptionally a relaxation in visibility splay standards may be acceptable in order to secure other important planning objectives. Such standards, however, will not be reduced to such a level that danger is likely to be caused.

Where an existing access is available the Council will generally expect this to be used, unless there is an opportunity to provide a more acceptable access arrangement. Where an existing access is to be used, but is sub-standard, a condition requiring its improvement prior to the commencement of the development will be imposed. In cases where a new access is considered acceptable in preference to the intensified use of an existing access a condition requiring the existing access to be closed may be imposed.

For development proposals involving a replacement dwelling in the countryside, where an existing access is available but does not meet the current standards, the Council would encourage the incorporation of improvements to the access in the interests of road safety.

Within settlements there is a need to secure a higher level of design, layout and landscaping for residential development. The number of accesses onto the public road needs to be balanced with the greater emphasis on the overall quality of design and sustainability of development.

The Department's residential design guide 'Creating Places – Achieving Quality in Residential Developments' (May 2000) advocates the creation of permeable layouts with an interconnected network of carriageways and a number of access points. This will not only help improve quality, but it can also enhance safety by ensuring that vehicle flows are well distributed and low in most places by creating the shortest practicable routes to destinations. It will also provide alternative means of access for the emergency services.

TRA3 Access to Protected Routes

The Council will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:

Motorways and High Standard Dual Carriageways – All locations

Planning permission will not be granted for development proposals involving direct access. An exception may be considered in the case of motorway service areas.

Other Dual Carriageways, Ring Roads, Through-Passes and By Passes – All locations

Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.

Other Protected Routes – Outside Settlement Limits

Planning permission will only be granted for a development proposal in the following circumstances:

i. **For a replacement dwelling in accordance with Policy COU3 where the dwelling to be replaced is served by an existing vehicular access onto the Protected Route;**

ii. **For a farm dwelling or a dwelling serving an established commercial or industrial enterprise where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route; and**

iii. **For other developments which would meet the criteria for development in the countryside where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route.**

In all cases the proposed access must be in compliance with the requirements of Policy TRA2.

Other Protected Routes – Within Settlement Limits

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access where it is demonstrated that access cannot reasonably be taken from an adjacent minor road; or, in the case of residential proposals, it is demonstrated that the nature and level of access will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

In all cases, where access to a Protected Route is acceptable in principle it will also be required to be safe in accordance with Policy TRA2.

Designated protected routes within this Council area are illustrated in Supplementary Planning Guidance, Part F: Protected Routes Map.

Justification and Amplification

There has been a long established policy of restricting access onto the main roads that facilitate the efficient movement of traffic over long distances in Northern Ireland. These roads contribute significantly to economic prosperity by providing efficient links between all the main towns, airports and seaports, and with the Republic of Ireland.

The roads onto which this policy of access control is exercised are known as 'Protected Routes' and comprise:

- primary routes
- routes between the principal city or town in each council and/or cross border
- routes to ports and airports
- selected routes with high traffic flows.

This encompasses the roads element of the Regional Strategic Transport Network contained in the Regional Development Strategy, 2035.

The Department for Infrastructure (DfI) Roads, is responsible for establishing and updating protected routes throughout the Council area. Further details of their functions can be obtained at www.infrastructure-ni.gov.uk.

TRA4 Protection for New Transport Schemes

Planning permission will not be granted for development that would prejudice the implementation of a transport scheme identified in the Local Development Plan.

Justification and Amplification

Land needed to facilitate a new transport scheme (such as a road scheme, improvements to pedestrian or cycle networks or a public transport scheme and associated facilities) will be protected from development that would prejudice its implementation.

Matters that will be taken into account in assessing whether the implementation of a particular scheme would be prejudiced include: the nature of the development proposal; the programming of the transport scheme; and, the extent to which implementation of the scheme would be compromised by the carrying out of the proposed development.

TRA5 Strategic Greenways and Disused Transport Routes

Planning permission will not be granted for development that would prejudice Strategic Greenways or the future reuse of a disused transport route identified in the Local Development Plan for transport or recreational purposes.

Justification and Amplification

This policy seeks to protect identified Strategic Greenways. The Department's publication – Exercise, Explore, Enjoy - A Strategic Plan for Greenways (November 2016) defines a Greenway as 'a traffic-free route designed for non-motorised use to connect people and communities to all kinds of destinations for commuting, everyday journeys or leisure and recreation'.

A number of disused rail and canal facilities exist within the Council area, which offer important opportunities, either through their re-opening for public transport, or for alternative active travel modes such as pedestrian routes or cycle networks.

The Local Development Plan will afford protection to these routes in accordance with this policy. Development prejudicing their use or future use will not be permitted.

TRA6 Transport Assessment

In order to evaluate the transport implications of a development proposal the Council will, where appropriate, require developers to submit a Transport Assessment.

Justification and Amplification

Transport Assessment applies to all forms of development with a significant travel generation impact. A primary aim of the Transport Assessment is to assess accessibility by sustainable modes and to develop measures to maximise use of sustainable modes; only subsequently should the residual traffic be assessed and its impacts ameliorated.

The detail and degree of a Transport Assessment (TA) should reflect the scale of development and the extent of the transport implications of the proposal. In applications for significant transport movements, a TA may need to be accompanied by a Travel Plan. The document 'Transport Assessment – Guidelines for Development Proposals in Northern Ireland' (November 2006) issued jointly by the then Department for Regional Development (DRD) and the Department of the Environment (DoE) (now the Department for Infrastructure) provides detailed information on this process and should be referred to directly.

Developers will be required to bear the costs of additional transport infrastructure and associated facilities necessitated by the proposed development. Developer contributions which include planning agreements under Section 76 of the Planning (Northern Ireland) Act 2011 and under Article 122 of the Roads (Northern Ireland) Order 1993 in terms of infrastructure works may be required.

TRA7 Car Parking and Servicing Arrangements in New Developments

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards[33] or any reduction provided for in an area of parking restraint designated in the Local Development Plan. Proposals should not prejudice road safety or significantly inconvenience the flow of vehicles.

Beyond areas of parking restraint a reduced level of car parking provision may be acceptable in the following circumstances:

a) where, through a Transport Assessment or accompanying Travel Plan, it forms part of a package of measures to promote alternative transport modes

b) where the development is in a highly-accessible location well served by public transport

c) where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking

d) where shared car parking is a viable option

e) where the exercise of flexibility would assist in the conservation of the historic or natural environment, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.

Proposals involving car parking in excess of the Department's published standards will only be permitted in exceptional circumstances, subject to the submission of a Transport Assessment outlining alternatives.

A proportion of the spaces to be provided will be reserved for people with disabilities.[34]

Car parking proposals should include an appropriate number of reserved electric charging point spaces and their associated equipment.

Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

[33] Department's Parking Standards (Published February 2005)
[34] Department's 'Creating Places – Achieving Quality in Residential Developments' (May 2000)

Justification and Amplification

The provision of car parking needs to be considered within the context of wider government policy aimed at achieving more sustainable travel patterns.

In addition to areas of parking restraint a reduction in parking provision may be accepted where it forms part of a package of measures to promote alternative transport modes. Reduced parking provision may also be acceptable in locations which are highly accessible and well served by public transport. This includes town and district centres and locations close to public transport interchanges.

The Council may allow a reduction in parking provision:

- where it forms part of a package of measures to promote alternative transport modes
- in locations which are highly accessible and well served by public transport
- where it is close to existing public car parking where it is demonstrated there is available spare capacity
- where schemes propose shared car parking arrangements, particularly in town centres or as part of proposals where the peak car parking levels for different uses do not coincide
- for small scale developments which do not generate significant parking demand, to rely on using on-street parking for a portion of their parking provision.

In assessing these options the Council will require evidence to demonstrate capacity and availability of such alternative parking provision.

Where a reduction is considered acceptable in principle, the Council will negotiate the precise level of reduction with developers.

In many locations however it will remain important that development makes adequate provision for car parking. This is particularly important in rural areas and those towns and villages where the potential for using public transport is limited. Accordingly, with the exceptions outlined above, development proposals in areas not subject to parking restraint will generally be expected to meet the Department's published parking standards.

Servicing arrangements can exert a major influence on the quality of the urban environment and its attractiveness. In city and town centre locations, proposals will normally be expected to include the provision of rear servicing facilities where practicable. It is recognised, however, that historic settlement patterns may be a constraint upon such a provision.

TRA8 Active Travel Networks and Infrastructure Provision

Planning permission will only be granted for proposals where public transport, walking and cycling provision forms part of the development proposal.

A Transport Assessment/Travel Plan or, if not required, a supporting statement should indicate the following provisions:

a) safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks

b) the needs of mobility impaired persons; and respect existing public rights of way

c) safe, convenient and secure cycle parking.[35]

In addition major employment generating development will be required to make appropriate provision for shower and changing facilities.

Justification and Amplification

Active travel can help to mitigate and adapt to climate change, improve connectivity and promote more sustainable patterns of transport and travel that reduce the need for motorised transport. In accordance with the Strategic Planning Policy Statement (SPPS) the Council will, through its Local Development Plan encourage active travel networks, primarily focused on cycling and walking.

Proposals should also demonstrate safe and convenient access arrangements to the public transport network.

The Bicycle Strategy for Northern Ireland, published by the former Department of Regional Development in 2015, now the Department for Infrastructure, sets out how Northern Ireland can be transformed into a place where travelling by bicycle is a healthy, every day activity. It seeks to achieve this through the building of a comprehensive bicycle network, supporting those who choose to travel by bicycle and promoting it as an alternative mode of transport for everyday use.

Like walking, cycling is healthy, pollution free and makes relatively small demands on land. Walking and cycling have the potential to replace the car for short journeys and to form part of a longer journey when linked to onward travel by sustainable public transport.

This policy supports active travel by promoting the provision of safe, and convenient linkages to and from development proposals to wider sustainable transport networks.

Secure cycle parking should be available in town and district centres, employment sites, educational institutions and public transport interchanges, including Park and Ride and Park and Share sites.

Secure, weather protected parking will normally be required for employee cycle parking. Weather protection will also be required for visitor parking where space for cycles is provided or in cases where medium to long-term cycle parking is required, for instance at public transport interchanges.

Secure, weather protected cycle parking areas should be provided closer to a building's entrance than car-parking. They should be well lit and located where staff or the public can provide informal surveillance.

Employment developments should provide shower and changing facilities to encourage those who travel to work by bicycle.

Cycle parking provision in association with residential development is addressed in Policy HOU4, Main Elements of Design and the Department's design guide 'Creating Places – Achieving Quality in Residential Developments' (May 2000).

TRA9 Park and Ride/Park and Share Car Parks

Planning permission will be granted for new, or an extension to an existing Park and Ride/ Park and Share car park, where they meet an identified need agreed by the Department.

Justification and Amplification

Park and Ride and Park and Share facilities make an important contribution to integrated transport and will be appropriate in locations where they reduce travel by car, reducing levels of congestion and pollution.

Park and Ride/Park and Share car parks should be sited close to junctions on the motorway

[35] Department's Parking Standards, Annex B: Cycle Parking Design Details

and along the trunk road network, ideally within settlement development limits, and at public transport interchanges. There may be occasions where a countryside location is needed for such development.

The layout, design and landscaping of all car parking sites should integrate with, and protect local character and visual amenity. Where appropriate parking surfaces should make use of permeable materials and sustainable drainage solutions.

The security of users should be demonstrated in all development proposals, including safe and secure cycle parking.

TRA10 Provision of Public and Private Car Parks

Planning permission will be granted for public or private car parks which provide a high standard of design, layout and landscaping and where it is demonstrated that:

a) they meet a need identified by the Department's Local Transport Plan or a comprehensive Car Parking Strategy prepared jointly with the Department, where applicable

b) they do not contribute to an increase in congestion

c) within areas of parking restraint they are only used for short- stay parking and are appropriately managed to deter long stay commuter parking

d) they provide an appropriate number, to be agreed by the Council, of reserved electric charging point spaces and associated equipment

e) they are compatible with adjoining land uses

f) they respect local character, environmental quality and will not have an adverse effect on visual amenity

g) they are secure and provide direct and safe access for pedestrians and cyclists.

Justification and Amplification

Overall transportation objectives seek to restrain the use of the car and encourage shoppers and commuters to use public transport and Park and Ride/Park and Share initiatives. Within defined centres, car parking facilities are comprised of the Department on-street parking and Council and private off-street car parks. Future provision must focus on meeting short-stay parking demand to complement the role of centres.

The development and operation of public car parks by the private sector, including multi-storey provision and temporary car parks should seek to complement existing parking provision for short-stay needs. In locations where this is considered acceptable, the Council will require developers to enter into a Section 76 Planning Agreement to control the use of parking spaces in order to deter long stay commuter parking. This may include restrictions on the leasing of contract spaces.

The layout, design and landscaping of all car parking sites should integrate with, and protect local character and visual amenity. Where appropriate parking surfaces should make use of sustainable drainage solutions.

The security of users should be demonstrated in all development proposals including safe and convenient access for pedestrians and appropriate lighting schemes.

TRA11 Temporary Car Parks

Planning permission will not be granted for the development of a temporary car park unless it is demonstrated that:

a) it is submitted in conjunction with programmed proposals to develop/ redevelop the site in question

b) it complies with Policy TRA10 and the developer can demonstrate that a need exists which cannot be met in the short term by existing public or the private operators.

Planning permission if granted will be subject to a time-limited condition, typically no more than for a period of 1 year.

Justification and Amplification

Temporary car parking on sites which have been acquired for development must be seen as a short-term expediency as their long-term existence may be contrary to transportation and broader environmental objectives.

There will be a presumption against such development where it is considered unnecessary and is not linked to firm proposals for the development of the site. Time limited planning permission for temporary car parking will not normally be renewed.

12.RENEWABLE ENERGY

RE1 Renewable Energy Development

The generation of energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

a) public safety, human health, or residential amenity

b) visual amenity and landscape character

c) biodiversity or the natural or historic environment

d) local natural resources, such as air quality or water quality or quantity

e) public access to the countryside. Proposals will be expected to be located at, or as close as possible to, the resources needed for that particular technology, unless it can be demonstrated that the benefits of the scheme outweigh the need for transportation of raw materials.

Proposals likely to result in unavoidable environmental damage should indicate how this will be minimised and mitigated.

The wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted.

Any renewable energy development on active peatland will not be permitted unless there are imperative reasons of overriding public interest as defined under The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 as amended.

Wind Energy Development

For wind farm development a separation distance of 10 times rotor diameter to occupied property, with a minimum distance of not less than 500m will generally apply.

Justification and Amplification

Renewable energy resources are vital to facilitating the delivery of international and national commitments on both greenhouse gas emissions and renewable energy. They will also assist in greater diversity and security of energy supply. The Council will therefore support renewable energy proposals unless they would have unacceptable adverse effects which are not outweighed by the local and wider environmental, economic and social benefits of the development.

This policy will apply to all renewable energy technologies, including proposals sourced from wind, solar energy, hydropower, heat extraction, biomass, micro-generation and passive building design measures.

All renewable energy proposals will be assessed in accordance with normal planning criteria including such considerations as access arrangements, road safety, good design, noise and shadow flicker, separation distance, cumulative impact, communications interference and the inter-relationship between these considerations.

All renewable energy proposals, including proposals to reutilise established sites, will be assessed against this planning policy, having regard to the Departmental publications: Best Practice Guide to Renewable Energy (published by the former Department of the Environment 2009), Draft Supplementary Planning Guidance on Anaerobic Digestion (published 2013); and, 'Wind Energy Development in Northern Ireland's Landscapes' (published 2010) in assessing all wind turbine proposals.

RE2 Integrated Renewable Energy

Planning permission will be granted for a development proposal which integrates renewable energy technology including micro-generation and passive solar design (PSD) in its layout, siting and design, where it meets the provisions of Policy RE1 and provided the technology is appropriate to the location in terms of any visual or amenity impact it may have.

Justification and Amplification

The Council will encourage greater integration of renewable energy technologies, both in the design of new buildings and through the appropriate retrofitting of such technologies to existing buildings. For many buildings this will mean increased consideration of the benefits of small-scale renewable energy technologies.

This is referred to as 'micro-generation' and is widely accepted to be the production of heat and/or electricity from low or zero carbon energy sources.

New large-scale urban, public sector and rural development proposals can maximise the benefits that can be derived from integrated renewable technology.

Some forms of micro-generation development currently benefit from permitted development rights under the Planning (General Permitted Development) Order (Northern Ireland) 2015. This legislation should be referred to when considering the retrofitting of small scale renewable energy development.

13.TELECOMMUNICATIONS

TEL1 Telecommunications Development

Planning permission will be granted for telecommunications development and any necessary enabling works that will not result in unacceptable damage to visual amenity or harm to environmentally sensitive features or locations. Developers will be required to demonstrate that telecommunications proposals, having regard to technical and operational constraints, have been sited and designed to minimise visual and environmental impact.

A new telecommunications mast will only be considered acceptable where the above requirements are met and it is reasonably demonstrated that:

a) the sharing of an existing mast or other structure has been investigated and is not feasible

b) a new mast represents a better environmental solution than other options.

In addition, applications for telecommunications development by Code System Operators or broadcasters will need to include:

c) information about the purpose and need for the particular development and how it fits into the operator's or broadcaster's wider network

d) where proposals relate to the development of a mobile telecommunications base station, a statement indicating its location, the height of the antenna, the frequency and modulation characteristics, details of power output; and declaring that the base station when operational will meet the ICNIRP[36] guidelines for public exposure to electromagnetic fields.

Justification and Amplification

For the purposes of this policy telecommunications is defined as both wired and wireless voice and digital data (broadband) transfer.

Code System Operators are electronic communications network operators (Code Operators) who are regulated through the Electronic Communications Code (the Code).

Code System Broadcasters are users of the electronic communications network provided by the Code Operators.

The visual and environmental impact of telecommunications should be kept to a minimum and equipment should become an accepted and unobtrusive feature of urban and rural areas.

Technical and Operational Constraints

Whilst the special needs and technical constraints associated with telecommunications development will be taken into account, there is also a corresponding need to adequately control telecommunications development so that rural landscapes, urban skylines and townscape character are not unduly spoiled. Wired telecommunication services should be laid underground for the majority of new development proposals. In rural locations, where underground provision is not practical or feasible, an exception will be permitted for the provision of overhead lines and poles, subject to compliance with the requirements of this policy. In all cases when bringing forward proposals, applicants will be expected to provide information about the purpose and need for the particular apparatus or equipment.

[36] The public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP), as expressed in EU Council recommendation of 12 July 1999 (Reference: 1999/519/EC) on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)

The impact of all telecommunication proposals will be considered against this planning policy and the guidance contained in the Department's Development Control Advice Note (DCAN) 14, Siting and Design of Radio Telecommunications Equipment (Published by the former Department of the Environment, April 2008).

Applications for masts within 3 kilometres of the perimeter of an aerodrome or aircraft landing site within the Council area, will be required to include evidence that the Civil Aviation Authority, the Ministry of Defence or the aerodrome operator, as appropriate, has been notified of the proposal. The Council will take into account any relevant views expressed.

The planning system is not the place for determining health safeguards from electromagnetic emissions from telecommunications equipment. The Department of Health considers that the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) for public exposure to electromagnetic fields, as accepted by the World Health Organisation[37], are based on the best evidence available to date. Accordingly where concern is raised about the health effects of exposure to electromagnetic fields, it is the view of the Department of Health that if the proposed mobile telecommunications development meets the ICNIRP guidelines in all respects it should not be necessary for the Council to consider this aspect further.

All mobile phone base stations in the UK are expected to meet the ICNIRP public exposure guidelines. Applications for mobile telecommunications base stations must be accompanied by a declaration that the apparatus when operational will meet the guidelines. Similarly where it is intended to place additional antennas onto an existing mast or site, the operator must confirm in a declaration that the cumulative exposure will not exceed the ICNIRP guidelines.

In any development, significant and irremediable interference with other electrical equipment of any kind will be a material planning consideration. Only if there is clear evidence that significant electromagnetic interference will arise, or will probably arise as a result of a telecommunications development, and that no practicable remedy is available, will there generally be any justification for the Council to take it into account in determining a planning application.

Amateur Radio, Taxi Firms and Private Users

Proposals to install masts used by amateur radio operators, radio taxi firms and other private and commercial users will be subject to the provisions of Policy TEL1. These masts usually present few potential planning problems in terms of size and visual impact over a wide area. They will not normally be of such a scale as to have a serious impact on local amenity. Such applicants will generally have less scope for using alternative sites or for sharing sites, and masts will often need to be located high enough on the premises for technical efficiency and located as far as possible from other antennas, in order to minimise the possibility of interference.

[37] WHO Fact Sheet No. 193 – Electromagnetic Fields and Public Health: Mobile Phones and Their Base Stations (www.who.int/inf-fs/en/fact193.html)

14.UTILITIES

UT1 Utilities

To ensure that the visual and environmental impact of utility development is kept to a minimum, the provision of utility services, such as water, wastewater, electricity and gas to new development proposals should be laid underground where considered feasible and viable.

Proposals for all overhead electricity lines and associated infrastructure, either regional transmission or local distribution networks, will be subject to the following:

a) pylons, poles and overhead lines should follow natural features of the environment, having regard to designated areas of landscape or townscape sensitivity, to minimise visual intrusion

b) avoidance of areas of nature conservation, the historic environment or archaeological interest, where possible, in particular where there is the potential for significant effects upon any International Site either alone or in combination with other plans and projects

c) wirescape should be kept to a minimum

d) associated infrastructure works should be visually integrated, making use of existing and proposed landscaping

Proposed power lines should comply with the 1998 International Commission on Non-Ionizing Radiation Protection (ICNIRP).

Regional transmission network pylons and overhead lines will be considered against this policy.

Justification and Amplification

This policy does not apply to any development proposal that complies with the requirements of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or as amended) and Part 14 of its accompanying Schedule.

Utility services are laid underground with the exception, in older urban developments, of electricity lines. Overhead electricity transmission remains a feature of development proposals in rural areas, due to the existing infrastructure and the implications, often cost, of providing underground connections to an individual property.

Regional transmission networks supply electricity from power stations to local distribution networks through larger scale pylons, carrying higher voltage lines, and electricity substations.

The siting of all electricity infrastructure will be controlled in terms of the visual impact on the environment with particular reference being given to designated areas of landscape or townscape value.

The presence of pylons and poles carrying overhead wires can be visually obtrusive particularly where the wires and poles figure above the skyline or where they dominate the streetscape in a built-up area. In this context it is the intention of this policy to minimise the visual intrusion of above ground utilities development.

The potential of overhead lines to disrupt the flight paths of birds, including site selection features of Lough Neagh and Lough Beg Special Protection Area and Ramsar Site is also a consideration.

The amount of information required to demonstrate compliance with this policy will depend upon the scale and location of a proposal, including where necessary a formal Environmental Impact Assessment as set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.

15.WASTE MANAGEMENT

WM1 Waste Management Facilities

Proposals for waste management facilities will only be permitted where it can be demonstrated there is additional need for the facility and it is located at:

a) an existing or former waste management facility

b) an existing or worked out hard quarry

c) an industrial area appropriate to the development proposed; in the case of civic amenity sites it is conveniently located in terms of access to service a settlement

d) previously developed, derelict or contaminated land and which makes use of existing or redundant buildings and is grouped with those buildings

e) at a site in the countryside where it involves the reuse of existing buildings or is grouped with those buildings and where there is no permanent loss of the best and most versatile agricultural land.

In addition proposals will be subject to the following criteria:

- the facility will not cause demonstrable harm to human health and unacceptable adverse visual or environmental impacts, including surface or groundwater
- the facility is designed to be compatible with the character of the surrounding area and adjacent land usesthe visual impact, including the final landform of landfilling or land raising operations, is acceptable in the landscape
- the facility will not have an unacceptable adverse impact on nature conservation or archaeological/historic environment interests
- the waste disposed or treated will not pose a risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures
- the site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere
- in the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site
- in the case of a regional scale facility its location benefits from easy access to key transport corridors
- at recycling sites the sorting and processing of waste must be carried out within a purpose built, or appropriately modified existing building, unless it is demonstrated the operations can only be carried out in the open
- the built development associated with the handling, storage treatment and processing of waste is appropriate to the nature and hazards of the waste(s) concerned
- where incineration or thermal processing of waste occurs it shall maximise energy recovery in the form of heat or electricity
- adequate access, circulation and parking is available without detriment to the amenity of nearby residents or road users.

Justification and Amplification

For the purposes of this policy waste management facilities include, but are not limited to landfill sites, Council household civic amenity sites and recycling centres. Such facilities are subject to the EU Waste Framework Directive (WFD), the Waste Management Strategy (WMS)[38] and the Council's relevant Waste Management Plan (WMP).[39] A need for the facility is established through the WMS and the relevant WMP.

A key aim of the WMS is to achieve fully sustainable waste management. A waste hierarchy seeks to reduce the amount of waste materials produced and to recover maximum value from waste by encouraging reuse and recycling. Waste disposal to landfill should only occur when no other option within the waste hierarchy is possible.

As the Council continues to promote recovery, reuse and recycling the need for landfill sites decreases. Any proposals associated with the existing landfill sites, Council household recycling centres or privately operated waste recycling facilities will be assessed against the criteria of this policy to ensure they are developed to the highest standards.

The amount of information required will depend upon the nature, scale and location of the proposal. In general the bigger, or the more technically complex, the scheme the more information that will be required, including where necessary a formal Environmental Impact Assessment as set out in Regulations.[40] Where appropriate the Council will use its powers contained in the Planning (General Development Procedure) Order (Northern Ireland) 2015 to request applicants to supply such additional information as is considered necessary to allow proper determination of planning applications.

Many waste management facilities by reason of their size, nature or location have the potential to cause significant damage to the environment in terms of visual intrusion, habitat or heritage destruction and pollution. Therefore in assessing all proposals for waste management facilities the Council will be guided by the proximity principle[41] which emphasises the need to treat and/or dispose of wastes in reasonable proximity to their point of generation. In assessing all proposals the Council will be guided by the precautionary principle in accordance with paragraph 6.322 of the SPPS.

In considering proposals for new, or extensions to existing waste management facilities there are a large number of matters which require to be considered. These include the following;

Health Considerations

In assessing public health impacts the Council will be guided by advice from its Environmental Health Department and any other relevant consultee, including NIEA Water Management Unit for any detrimental impact on surface or groundwater.

Compatibility with Adjacent Development

Some waste management facilities can cause significant amenity problems. Other facilities, especially those that are small scale, can be accommodated if it is demonstrated they will not impact upon the amenity of neighbouring properties. In such cases the Council will not restrict proposals just because the use differs to that of neighbouring land.

Pollution

Given the nature of waste management facilities there is an increased potential for problems associated with pollution, particularly in terms of noise, airborne or water pollution, litter and vermin or birds. Good practice

[38] The Northern Ireland Waste Management Strategy – Delivering Resource Efficiency (DAERA, published April 2015)
[39] arc 21 Waste Management Plan (September 2015)
[40] The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017
[41] The Strategic Planning Policy Statement (Published September 2015), Page 111, Paragraph 6.308

requirements are normally incorporated into the terms of waste licences issued by pollution control authorities, however in determining planning applications for waste management facilities the Council will consult with its Environmental Health Department and any other relevant consultee on these matters. Development proposals should also demonstrate incorporation of measures to control pollutant risks, including earth bunds and landscaping to suppress noise, the use of modern, well maintained equipment and methods to contain airborne or water contaminants, and methods to restrict litter and vermin or birds.

Other Matters

The visual impact and any compensatory landscaping, as well as risks to the natural or historic environment, flooding and safety of the public road network are further considerations. These matters will be assessed against those other applicable policies contained within this Plan Strategy.

Incineration is an established method of reducing volumes of waste prior to landfilling or for the treatment of hazardous waste. The process of incineration and other thermal treatment facilities such as pyrolysis and gasification should maximise energy recovery in the form of heat or electricity. In such cases the facilities associated with these processes, particularly incineration, are a material consideration as they often have significant environmental impacts requiring suitable mitigation, including traffic arrangements and landscaping schemes to aid integration.

Permission granted for a waste management facility will be subject to the imposition of necessary planning conditions. Such conditions can, for example, restrict operational hours in order to protect the amenity of nearby residential properties. Other conditions may require the phasing of landfill operations or restrict the lifetime of a facility.

Permission granted for landfill sites will be subject to a suitable scheme of reinstatement which creates a beneficial use after operations have ceased. As such developers should ensure that the landfill materials and the operations are not a cause of land instability during or after its permitted use.

WM2 Treatment of Waste Water

Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1. Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Justification and Amplification

Wastewater Treatment Facilities

Due to their nature and scale many WwTWs have the potential to cause a significant impact on the environment and on the amenity of local communities. As a result they are often located in the countryside away from residential development. Odours, quality of discharge and visual impact are important considerations in determining new development proposals.

Non-Mains Sewage Provision

Where connection to mains sewage is not possible, either because of the location of development or the capacity of existing WwTWs, sufficient information on the means of sewage treatment must be submitted for consideration.

In areas where a pollution risk is identified development relying on non mains sewage disposal will only be permitted in exceptional circumstances.

The method of non-mains sewage disposal must be to the satisfaction of the Council's Environmental Health Department and the Northern Ireland Environment Agency. A consent to discharge under the Water (Northern Ireland) Order 1999 will also be required from the Department for Agriculture, Environment and Rural Affairs (DAERA) and the onus is on the developer/householder to ensure such consent is, or can be agreed for the development proposed.

The provision of a package treatment plant is preferred to the use of a septic tank in the treatment and dispersal of non-mains sewage.

WM3 Waste Disposal

Development of landfill or land raising facilities for the disposal of waste will be permitted where:

a) a need for the facility is established through the WMS and Council's relevant WMP

b) the proposal complies with the requirements of Policy WM1.

Justification and Amplification

Landfilling is the disposal of waste into void spaces in the land often left as a result of mineral extraction. Land raising is the disposal of waste by depositing on land thereby raising its level.

This planning policy applies to all proposals for the disposal of household, industrial and commercial waste with the exception of the deposition of inert waste which is suitable for the purposes of land improvement (Policy WM4).

Operations for landfilling and land raising of municipal waste are at the bottom of the waste management hierarchy and the least sustainable waste management option. The WMS envisages a progressive reduction and consolidation of landfill capacity and overall number of landfill sites. As such new development proposals must demonstrate they meet a need that cannot be met by other facilities, however the Council will also take account of any associated planning gain such as the remediation of contaminated land.

Whilst waste disposal sites may be suitably located within a hard rock quarry it is important that they do not sterilise mineral reserves considered to be of particular value to the economy.

Land raising has the potential to significantly impact on the landscape. As such careful consideration will be given to the scale of activity proposed. Careful restoration and aftercare will be necessary to prepare landfill and land raising sites for a use that is compatible with the surrounding area. All applications for such operations must be accompanied by drawings to illustrate proposed depth of fill, capping details, final restoration contours, landscaping and other relevant details.

WM4 Land Improvement

The disposal of inert waste by its deposition on land will only be permitted where it is demonstrated that it will result in land improvement and the following criteria are met:

a) it is demonstrated that there is no alternative to deposition of the type of inert waste and that it cannot be reused or recycled

b) it is demonstrated the type of inert waste to be deposited is exempt under the Waste Management Licensing Regulations (Northern Ireland) 2003 (as amended)

c) it will not result in an unacceptable adverse environmental impact

d) only the minimum quantity of fill necessary to achieve the demonstrated land improvement shall be deposited

e) measures are included to demonstrate appropriate restoration and aftercare of sites that will enhance biodiversity.

Justification and Amplification

For the purpose of this policy inert waste is defined as material that does not undergo any significant physical, chemical or biological transformations when deposited. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the leachate must be insignificant, and in particular not endanger the quality of surface water and/or groundwater.

The main purpose of a proposal under this policy should clearly be to improve land quality rather than the disposal of waste. In this regard the quantity of waste to be deposited should be the minimum required to achieve the proposed improvement. Care needs to be taken to ensure that such schemes do not adversely affect nature conservation and heritage interests, nor have an unacceptable impact on the visual amenity of the landscape.

Supplementary Planning Guidance, Part F: Agricultural Permitted Development, sets out the circumstances when agricultural land improvement does not require express planning permission.

WM5 Development in the Vicinity of Waste Management Facilities or Wastewater Treatment Works

Development proposals in the vicinity of existing or approved waste management facilities and wastewater treatment works (WwTWs) will only be permitted where all the following criteria are met:

a) it will not prejudice or unduly restrict activities permitted to be carried out within the waste management facility

b) it will not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment.

Justification and Amplification

The potential adverse impact of existing or approved waste management facilities will be a material consideration in the determination of planning applications for new development in their vicinity. Consideration will therefore need to be given to the sensitivity of development proposed, particularly for residential development or areas of public use.

Consideration of applications will depend on the circumstances prevailing at particular locations. Relevant considerations will include the nature and capacity of the waste management facility or waste water treatment works, local topography, prevailing wind direction, screening and disposition of existing development, the nature of the proposed development, the precise position of actual odour sources within the boundaries of the works and advice on relevant environmental health matters. In all cases, specific advice will be sought from the Council's Environmental Health Department.

Where development is to be located in close proximity to an existing or approved NI Water WwTW facility, developers should discuss their proposals with NI Water and may be required to undertake a development Encroachment/ Odour Assessment. Further details are available at www.niwater.com

16.FLOODING

FLD1 Development in Fluvial (River) Flood Plains

New development will not be permitted within the 1 in 100 year fluvial flood plain (AEP of 1%) plus the latest mapped climate change allowance, unless the applicant can demonstrate that the proposal constitutes an exception to the policy in the following cases:

Exceptions in Defended Areas

On previously developed land protected by flood defences (confirmed by DfI Rivers as structurally adequate) in a 1 in 100 year plus climate change allowance fluvial flood event.

Proposals that fall into any of the following categories will not be permitted by this exception:

a) essential infrastructure such as power supply and emergency services

b) development for the storage of hazardous substances

c) bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing

d) any development located close to flood defences.

Proposals involving significant intensification of use will be considered on their individual merits and will be informed by a Flood Risk Assessment.

Exceptions in Undefended Areas

The following categories of development will be permitted by exception:

a) replacement of an existing building

b) development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain

c) water compatible development, such as for boating purposes, navigation and water based recreational use, which for operational reasons has to be located in the flood plain

d) the use of land for sport or outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children

e) the extraction of mineral deposits and necessary ancillary development.

Proposals that fall into any of the following categories will not be permitted by this exception:

a) bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing

b) essential infrastructure

c) development for the storage of hazardous substances.

Development Proposals of Overriding Regional or Sub-Regional Economic Importance

A development proposal within the flood plain that does not constitute an exception to the policy may be permitted where it is deemed to be of overriding regional or sub-regional economic importance and meets both of the following criteria:

a) demonstration of exceptional benefit to the regional or sub-regional economy

b) demonstration that the proposal requires a location within the flood plain and justification of why possible alternative sites outside the flood plain are unsuitable.

Where the principle of development is established through meeting the above criteria, the Council will steer the development to those sites at lowest flood risk.

Minor Development

Minor development will be acceptable within defended and undefended flood plains subject to a satisfactory flood risk assessment.[42]

Where the principle of development is accepted by the Council through meeting any of the above 'Exceptions Tests', the applicant is required to submit a Flood Risk Assessment (FRA) to demonstrate that all sources of flood risk to and from the proposed development have been identified; and there are adequate measures to manage and mitigate any increase in flood risk arising from the development.

Flood Protection/Management Measures

In flood plains the following flood protection and management measures proposed as part of a planning application, unless carried out by DfI Rivers or other statutory body, will not be acceptable:

a) new hard engineered or earthen bank flood defences

b) flood compensation storage works

c) land raising (infilling) to elevate a site above the flood level within the undefended fluvial flood plain.

Justification and Amplification

A fluvial flood plain is a generally flat area adjacent to a river or shoreline of inland waterbodies where water flows in time of flooding or would flow but for the presence of flood defences. New development within a flood plain will not only be at risk of flooding itself but it will add to the risk of flooding elsewhere. Accordingly, to minimise flood risk and maintain their natural function it is necessary to avoid development in flood plains wherever possible.

For planning purposes, taking into account climate change predictions based on available scientific evidence, a fluvial flood plain is defined as the extent of a 1 in 100 year flood event (or 1% annual exceedance probability (AEP)) of exceeding the peak floodwater level, taking into account climate change allowance as represented on DfI Flood Maps NI.

DfI Rivers advises on the extent of river flood plains. Information on present day flood plains and those which take account of climate change predictions, is available on DfI Flood Maps NI at www.infrastructure-ni.gov.uk This information is regularly updated and the extent of flood plains may therefore change over time.

For the purposes of this policy minor development is comprised of the following:

- non-residential extensions (Industrial/ Commercial/Leisure etc) with a footprint less than 150 square metres
- alterations: development that does not increase the size of buildings, eg alterations to external finishes
- 'Householder' development: eg sheds, garages, games rooms etc within the curtilage of the existing dwelling in addition to extensions to the existing dwelling. This

[42] The need for a flood risk assessment for extensions and alterations to existing residential properties will be determined on a case by case basis

excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling eg subdivision of a dwelling house into flats.

Defended Areas

A 'Defended Area' is that part of the flood plain where flooding would normally occur except for the presence of flood defences. Previously developed land protected by existing flood defences, either cored earthen flood banks or hard engineered walls, constructed to an appropriate standard and height, will generally be considered acceptable for development. However, the flood risk within a defended area cannot be entirely eliminated due to overtopping, potential structural collapse and breeching of defences and when drainage systems become overwhelmed. Because of these flood risks this policy places restrictions on the location of development relative to flood defences as such land will often be low lying and therefore the most susceptible to flooding.

The policy restricts certain types of development for which the consequences of a flood event could be serious, such as a direct threat to vulnerable groups, such as the young, old or infirm. Therefore the policy operates a presumption against new developments such as children's nurseries, schools, residential care/ nursing homes, sheltered housing and hospitals. This list is not exhaustive.

Secondary impacts on the general population can arise through flood damage or disruption to essential infrastructure or pollution. Therefore proposals for emergency services/ emergency depots, power-supply and telecommunications will be resisted because access and uninterrupted operation cannot be guaranteed in locations where there is a residual flood risk.

Proposals for development associated with the storage of hazardous substances, fuel storage depots, sewage treatment works or other development likely to give rise to environmental pollution in the event of flooding will only be granted planning permission where it is demonstrated that an alternative lower risk location is not available and that adequate provision is made for containment to prevent a pollution incident in the event of flooding.

Development involving a significant intensification of use, such as the conversion of a single dwelling unit to a number of apartments is not desirable in the context of flood risk. This factor must be balanced against other material considerations, including the provisions of other policy within this Plan Strategy that may tend to favour higher density development in urban areas. Accordingly, the Council will determine each application on its individual merits taking account of the scope for mitigation of the residual flood risk.

Undefended Areas

The vast majority of fluvial flood plains are 'Undefended Areas' not protected by flood defences and are at much higher flood risk than defended areas.

Any built development will cause piecemeal reduction of valuable flood storage area, which may cause or exacerbate flooding elsewhere and impair the conveyance function of the flood plain. For these reasons, and also the need to limit exposure of people and property to flood risk, built development and infrastructure works, particularly on greenfield sites, will normally not be permitted.

However, it is recognised that in certain cases, development or infrastructure has to be in such locations and exceptions to the policy are therefore set out for a range of development types, including for example, agricultural development, minerals development and transport or utilities infrastructure. In regard to agricultural and minerals development, this exception will only apply where this is located wholly in the flood plain or where the use of

other land outside the flood plain would not be feasible and available.

Replacement of an existing building should not normally result in any material increase in the flood risk to the development or elsewhere. The adoption of suitable flood proofing measures through resistance and resilience construction (Supplementary Planning Guidance, Part F: Flooding) will normally be expected. However the replacement of a building to provide bespoke accommodation for vulnerable groups in the flood risk area is unacceptable. Similarly, replacement of a building to accommodate essential infrastructure will be unacceptable as continual access and egress for operational activities will no longer be possible when the area has been cut off during a flood event. Finally, a replacement proposal which involves significant intensification of use, for example through increasing the existing footprint or change of use, will be resisted if this would have the effect of introducing more people to a high flood risk area.

The policy allows areas for amenity open space, sports, outdoor recreation and nature conservation purposes on the basis that such areas are not generally occupied and are unlikely to incur major damage as a result of flood inundation. Children's playgrounds are not included in this exception as such proposals would expose a vulnerable group to flood risk. Ancillary development such as changing facilities and job-related accommodation for caretakers and staff may be acceptable where justified by the flood risk assessment.

Even though these areas are intermittently occupied, proposals will be required to demonstrate mitigation providing for adequate flood warning procedures and safe means of evacuation from the site. Open space areas in the undefended flood plain should be suitably contoured to avoid ponding and to allow for the quick recession of flood water. The use of synthetic sports surfaces will not be permitted where this would increase the flood risk to the site or elsewhere.

Where a proposal for residential development includes land adjacent to or partially within a flood plain, it may be acceptable to utilise the flood plain land for public open space. This will only be acceptable where there is no infilling of the open space and suitable mitigation measures such as signage are in place to facilitate safe access and egress.

Development Proposals of Overriding Regional or Sub-Regional Economic Importance

Most economic development is best located outside of flood plains, however it is accepted that certain projects because of their nature, size or site specific requirements, may require a site that falls within a flood plain. In such circumstances the policy allows for development that is demonstrated to be of significant regional or sub-regional economic importance.

Proposals must justify the need for a location within the flood plain and demonstrate that a thorough search for sites outside the flood plain has been undertaken and why these are considered unsuitable. Subject to the principle of development in the flood plain being accepted the developer will be prompted to identify a suitable site in the least vulnerable parts of the flood plain.

Flood Management and Mitigation Measures

Where the principle of development within the flood plain is accepted by the Council, the applicant is required to submit a Flood Risk Assessment (FRA). Planning permission will only be granted if the FRA demonstrates that all sources of flood risk to and from the proposed development have been identified and that there are adequate measures to manage and mitigate any increase in flood risk arising from the development. A FRA may also be required when a site is close to the margins of the flood plain as depicted on the Strategic Flood Map and a more accurate definition of the extent of potential flooding is needed.

Infilling or land raising within the undefended fluvial flood plain is not considered acceptable because the loss of flood storage area may well cause or exacerbate flooding elsewhere. Flood compensation storage involves the replacement of flood plain land lost through infilling for development, this is provided through excavation. Flood compensatory storage in itself is not considered as justification for development in a flood plain. However, in exceptional circumstances where infilling may be permitted to facilitate the provision of key infrastructure, such as a road embankment, flood compensatory storage may be acceptable as a flood mitigation measure.

New hard engineered or cored earthen bank flood defences, publically funded and constructed, are seen as a necessary and acceptable flood mitigation method to protect existing property that is already in the flood plain and is liable to repeated flooding and resulting damage. However such flood defences, proposed by the applicant, will not be justification to allow new development in the flood plain because they remove valuable flood storage from the flood plain; may put other locations at increased flood risk; and introduce people to an area where the threat of residual flooding by overtopping or collapse will always remain.

FLD2 Protection of Flood Defence and Drainage Infrastructure

Development will not be permitted that impedes the operational effectiveness of flood defence and drainage infrastructure or hinder access for maintenance, including building over the line of a culvert.

Justification and Amplification

Flood defence and drainage infrastructure are critical in providing a level of flood protection to people and property and adequate land drainage.

Where a development proposal is located beside a flood defence, control structure or watercourse it is essential that an adjacent working strip is retained to facilitate future maintenance. The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times.

There is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations.

FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

A Drainage Assessment (DA) will be required for development proposals that exceed any of the following thresholds:

a) a residential development of 10 or more units

b) a development site in excess of 1 hectare

c) a change of use involving new buildings and/or hardsurfacing exceeding 1,000 square metres in area.

A DA will also be required for any development proposal, except for minor development[43] where:

- **it is located in an area where there is evidence of historical flooding**
- **surface water run-off from the development may adversely impact on other development or features of importance to nature conservation, archaeology or historic environment features.**

A development requiring a DA will be permitted where it is demonstrated through the DA that adequate measures will be put in

[43] As defined in Supplementary Planning Guidance, Part F: Flooding, Glossary

place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. If a DA is not required, but there is potential for surface water flooding as shown on the surface water layout of DfI Flood Maps NI, it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.

Where the proposed development is also located within a fluvial flood plain, then Policy FLD1 will take precedence.

Justification and Amplification

Pluvial or surface water flooding occurs as a result of high intensity rainfall which overwhelms natural or man-made drainage systems resulting in water flowing overland and ponding in depressions in the ground. It is a particular problem in urban areas which are often dominated by non-permeable surfaces (eg roofs, roads and car parks). Such development inhibits the natural run-off process, often by removing opportunities for surface water storage and restricting infiltration of water into the ground. Surface water run-off and flooding has increased steadily with the expansion of urban areas, the infilling of green spaces and the cumulative effects of minor development such as house extensions and the paving of gardens to provide for patios and car parking.

All of these factors have combined to intensify surface water runoff and place additional pressures on the drainage network. Modern urban drainage systems are designed only to cope with a 1 in 30 year rainfall event while older parts of the network will invariably be operating to a much lower standard.

When carrying out a drainage assessment consideration should be given to the use of sustainable drainage systems (SuDS) as the preferred drainage solution.

The Council will consult DfI Rivers, and any other public body as necessary, for advice on development proposals affecting flood defences and drainage infrastructure where relevant.

FLD4 Artificial Modification of Watercourses

Artificial modification of a watercourse, including culverting or canalisation, will only be permitted in the following exceptional circumstances:

a) a short length of culverting necessary to provide access to a development site, or part thereof

b) where it can be demonstrated to the satisfaction of DfI Rivers that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.

Justification and Amplification

If part of a watercourse is already culverted prior to the commencement of any development, this does not necessarily mean that it can automatically be lengthened or upgraded to meet the site discharge requirements. Each application will be assessed on its own merits.

While culverting may in some instances alleviate local flood risk, it cannot eliminate it and often increases the flood risk downstream by the accumulation of higher flows. The artificial modification of watercourses through culverting or canalisation is also widely considered to be environmentally unsustainable as such operations can adversely impact upon landscape quality, ecological integrity and biodiversity of watercourses. Culverting creates barriers to the passage of fish, while the higher flow velocities generated cause the unnatural movement of sediment, increased erosion downstream and hinder the future recovery of the watercourse.

Protective grilles at inlets may reduce blockages within the culvert, but can often become blocked themselves causing local flooding during high intensity rainfall event or due to a lack of maintenance.

Good layout and design in new development should promote the retention of open watercourses as a central amenity feature. In new residential developments incorporating watercourses into the open space requirements will be preferred to locating them to the rear of properties where they are difficult to maintain or can become dumping grounds contributing to flood risk.

SuDS for the disposal of stormwater may be more sustainable than culverting or artificial modification of watercourses. SuDS such as ponds and swales and their integration into new development schemes as amenity features is encouraged. In some circumstances, culverting may be unavoidable. This may apply where there are insurmountable inherent structural problems. However, even in such circumstances other solutions should be considered first, as they will usually have lesser long term environmental/ecological impacts. Where there are health and safety concerns arising from open access to watercourses or hazardous riverbanks, solid barriers such as fencing, or planting of 'soft' landscape barriers, should be considered as alternatives to culverting.

Culverting of short lengths of the watercourse (usually less than 10m) is acceptable to enable access to and from the development as required. The site design should aim to keep the number of crossings to a minimum.

FLD5 Development in Proximity to Reservoirs[44]

New development will only be permitted within the potential flood inundation area of a 'controlled reservoir'[45] as shown on DfI Flood Maps NI if:

a) it can be demonstrated that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety, so as to enable the development to proceed; or

b) where assurance on the condition, management and maintenance regime of the relevant reservoir(s) is not demonstrated, the application is accompanied by a Flood Risk Assessment, or other analysis, which assesses the downstream flood risk in the event of an uncontrolled release of water due to reservoir failure as being acceptable to enable the development to proceed.

There will be a presumption against development within the potential flood inundation area for proposals that include:

- **Essential infrastructure;**
- **Storage of hazardous substances; and**
- **Bespoke accommodation for vulnerable groups.**

Replacement Building(s): where assurance on the condition, management and maintenance of the relevant reservoir(s) is not demonstrated, planning approval will be granted for the replacement of an existing building(s) within the potential flood inundation area of a controlled reservoir provided it is demonstrated that there is no material increase in the flood risk to the proposed development or elsewhere.

Justification and Amplification

Reservoirs or dams constitute a potential source of flood risk that can have serious consequences. Flooding of downstream areas within what is known as the area of inundation may ensue if the structure fails or is overtopped. Downstream flooding may also arise from the controlled release of water, for example via spillways during periods of high

[44] This policy applies to Reservoirs, Dams and other impounding structures as defined by the Reservoirs Act (Northern Ireland) 2015

[45] A structure defined in Section 1 of the Reservoirs Act (Northern Ireland) 2015 holding 10,000 cubic metres or more of water above the natural level of any part of the surrounding land

flows due to weather conditions. This is normal practice to avoid capacity exceedance and overtopping.

In any of these circumstances there is potential for rapid inundation of downstream areas and response times to flooding are likely to be short.

Development within a flood inundation area can only be justified where the condition, management and maintenance regime of the reservoir are appropriate to provide assurance regarding reservoir safety. Accordingly, planning permission for new development can only be granted subject to such assurance and therefore a planning application must be accompanied by certification from a person with demonstrable experience in flood risk management, which will then be appraised by DfI Rivers.

In circumstances where an impounding structure does not fall within the policy it remains the responsibility of the applicant to consider and assess the flood risk and drainage impact of the proposed development and to mitigate the risk to the development and that beyond the site.

Applicants for development proposals affected by Policy FLD5 should note the information contained in DfI Rivers Technical Advice Note 25 - The Practical Application of Strategic Planning Policy for 'Development in Proximity to Reservoirs' revised June 2020.

17.ADVERTISEMENTS

AD1 Amenity and Public Safety

Consent[46] will be granted for the display of an advertisement where:

a) it respects amenity, when assessed in the context of the general characteristics of the locality

b) it does not prejudice public safety.

Justification and Amplification

The display of advertisements is a feature of our main streets and commercial centres, often adding colour and interest. Care, however, must be taken to ensure that an advertisement will not detract from where it is to be displayed or its surroundings and that it will not prejudice public safety. In particular it is important to prevent clutter, adequately control digital signs and signs involving illumination and to protect features such as listed buildings and conservation areas from the potential adverse effects of advertising.

Care is also necessary to ensure that advertisements do not detract from the qualities and amenity of our countryside nor diminish our archaeology and built heritage.

In assessing the impact of an advertisement or sign on amenity the Council will take into account all of the following matters:

- the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest
- the position of the advertisement on the host building and its scale and size in relation to that building
- the cumulative effect of the proposal when read with other advertisements on the building or in the surrounding area and whether the proposal will result in clutter
- the size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area
- the design and materials of the advertisement, or the structure containing the advertisement, and its impact on the appearance of the building on which it is to be attached
- in the case of a freestanding sign, the design and materials of the structure and its impact on the appearance and character of the area where it is to be located
- the impact of the advertisement, including its size, scale and levels of illumination, on the amenities of people living nearby and the potential for light pollution.

The amenity of the countryside is particularly important and there is a need to protect its unique qualities from the negative effects of advertising. The only advertisements likely to be acceptable in the countryside are those proposed on the site of and which relate to an existing or approved commercial enterprise. Such advertisements should be small in scale and not detract from the quality and character of the local landscape.

Advertisements by their very nature are designed to attract the attention of passers-by and therefore have the potential to impact on public safety. When assessing the impact of an advertisement on public safety the Council will have regard to its effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water or in the air.

[46] The Planning (Control of Advertisement) Regulations (Northern Ireland) 2015

The main types of advertisements which are likely to pose a threat to public safety are:

- those which obstruct or impair sight lines at corners, bends or at a junction or at any point of access to a road

- those which, by virtue of their size or siting, would obstruct or confuse a road user's view or reduce the clarity or effectiveness of a traffic sign or traffic signal, or those which would be likely to distract road users because of their unusual design

- signs which leave insufficient clearance on or above any part of the road or footpath, or insufficient lateral clearance for vehicles on the carriageway

- those which are located so as to impair the safety of any person looking at them because there is no protection from moving vehicles or where the footpath is narrow at the point where the public stop to look at them

- illuminated signs:

    1. where the means of illumination is directly visible from any part of the road

    2. which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals

    3. which, because of their size or brightness, could reduce the effectiveness of traffic lights/signs or result in glare or dazzle, or otherwise distract road users especially in wet or misty weather

- signs which incorporate moving or apparently moving elements in their display, especially where the whole message is not displayed at one time therefore increasing the time taken to read the whole message

- those which resemble traffic signs because of their colour or content or those which embody directional or other traffic elements and which could therefore cause confusion with traffic signs

- signs sited or designed primarily to be visible from a motorway or other special road

- those which cause possible interference with a navigational light or an aerial beacon.

Illumination

Thoughtful siting and illumination can overcome many of the potential hazards listed above. Public safety issues are less likely to occur where an advertisement is proposed within an existing industrial or commercial centre, and when the level of illumination proposed is appropriate to the location. The luminance of digital screens should be automatically controlled to adjust screen brightness for ambient light levels in order to avoid glare at night and facilitate legibility during daytime.

In assessing the brightness of signs, these will be expected to accord with the guidance contained in the Institution of Lighting Professionals Guidance PLG05, The Brightness of Illuminated Advertisements (2015).

Listed Buildings, Conservation Areas and Areas of Townscape/Village Character

Policies and guidance for the control of advertisements affecting Listed Buildings, Conservation Areas and Areas of Townscape/ Village Character are set out in Operational Policies HE7 and HE11.

Supplementary Planning Guidance, Part F: Guidance for Outdoor Advertisements sets out the different categories of outdoor advertisement considered by this policy.

GLOSSARY

Affordable Housing – affordable housing is:
a) Social rented housing; or
b) Intermediate housing for sale; or
c) Intermediate housing for rent,
that is provided outside of the general market, for those whose needs are not met by the market.

Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.

Areas of High Scenic Value (AoHSV) – designated to protect the setting of Urban Areas and other areas of particular landscape merit.

Areas of Mineral Constraint – sensitive areas because of their natural heritage, built heritage or scenic value, protected from further mineral extraction.

Areas of Outstanding Natural Beauty (AONB) – areas designated in recognition of their national importance as landscapes of distinctive character and special scenic value.

Areas of Significant Archaeological Interest (ASAIs) – areas of the historic landscape that are likely to include a number of archaeological sites and monuments.

Areas of Special Scientific Interest (ASSIs) – areas that represent the best wildlife and geological sites that make a considerable contribution to the conservation of our most valuable natural places.

Areas of Townscape Character – areas of our city and towns which exhibit a distinct character, normally based on their historic built form or layout.

Areas of Village Character – areas of our villages which exhibit a distinct character, normally based on their historic built form or layout.

Belfast Metropolitan Area Plan (BMAP) – draft Local Development Plan published in November 2004.

Biodiversity – the variety of animal and plant life found in one area.

Blue Infrastructure – canals, rivers, streams, ponds and lakes

Brownfield Land – This is sometimes referred to as previously developed land being land that is, or was occupied by a permanent structure within a defined settlement limit. The term may encompass vacant or derelict lands, infill sites, land occupied by redundant or underused buildings, a piece of industrial or commercial property that is abandoned or underused and often environmentally contaminated. The following are excluded from the definition of previously developed land:

- open space of public value as defined in Supplementary Planning Guidance, Part D: Definition of Open Space

- the gardens of dwellings and apartments (broadly defined as those areas within the curtilage of a dwelling not containing buildings).

Building on Tradition: a Sustainable Design Guide for the Northern Ireland Countryside – Department for Infrastructure guidance published in May 2012 that provides assistance to all those involved with sustainable development in the Northern Ireland countryside. The guide promotes quality and sustainable building design for proposals in the countryside.

Community Greenways – enhance existing open space provision by linking urban green space areas and the countryside. They can serve recreational, ecological, environmental and visual amenity roles. They offer pedestrians and cyclists the opportunity to travel from one green area to another via pleasant green surroundings; and provide an ecological haven and green linkage along river corridors, pathways and disused railway lines.

Community Facilities – are those uses as defined in Part D1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended).

Community Need – resources, services and solutions that build communities in support of its children, youth, and families.

Conservation Areas – places of special architectural or historic interest where it is desirable to preserve and enhance the character and appearance of such areas.

Comparison Goods – Clothing, shoes and fashion; Furniture, floorcoverings & furnishings; Large domestic appliances; DIY and hardware; and Personal goods.

Convenience Goods – include Food and Non-Alcoholic drinks; Alcoholic drinks; Tobacco; Most non-durable household goods (90%) and Newspapers and magazines.

Creating Places – Achieving Quality in Residential Developments – Department for Infrastructure guidance published in 2000 that describes the contributions to quality and sustainability that developers in Northern Ireland will be expected to make through the design of new residential developments.

Design and Access Statement – A Design & Access Statement (D&AS) is a single document that explains the design thinking behind a planning application. It provides a framework for applicants to explain and to justify how a proposed development is a suitable response to the site and its setting.

District Centre – perform a complementary role in providing consumers with convenience and choice in locations outside of, and coexisting with, city and town centres.

Environmental Impact Assessment (EIA) – the process by which information about the environmental effects of a project is collected, assessed and taken into account in determining whether a proposed development should be approved.

Equality Impact Assessment (EQIA) – to ensure public authorities comply with their responsibilities under Section 75 of the Northern Ireland Act 1998 to take into account the needs and effects of policy development on people within the Section 75 equality groups.

Executive – the Northern Ireland Executive.

Gasification – a process that uses a feedstock, often municipal or industrial waste, for a thermo chemical conversion of waste in high heat.

Geological Survey of Northern Ireland (GSNI) – part of the Department for the Economy NI, provides geoscience information and services to inform decision making.

Green Infrastructure – parks, green spaces and street trees.

Greenfield – Land (or a defined site) usually farmland, that has not previously been developed.

Habitats Regulations Assessment – Regulation 43 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), requires an appropriate assessment of a land use plan on International habitats in view of their conservation objectives.

Heritage Asset – a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.

Historic Parks, Gardens and Demesnes – An identified site of international or regional importance within Northern Ireland, included in the Register of Parks, Gardens and Demenses of special historic interest, maintained by the Department for Communities.

Housing Growth Indicators (HGI) – an estimate of future housing need in Northern Ireland. HGIs are used in the preparation of the Local Development Plan as a guide to where development should be directed.

Lagan Navigation – a Trust formed in 2009, funded by Central Government Departments and the three local councils along the 27 mile route; Belfast City Council, Lisburn & Castlereagh City Council and Armagh City, Banbridge and Craigavon Council. The Trust is a registered Charity with the primary objective of reopening the Lagan Navigation from Belfast Harbour to Lough Neagh.

Lagan Valley Regional Park – designated in 1967 it is Northern Ireland's only Regional Park lying within Lisburn & Castlereagh City Council and Belfast City Council. The aim is to protect and conserve its unique landscape character, enhance the Park's biodiversity, cultural heritage and promote its benefit to visitors and the community.

Landscape Character Assessment – an overview of the landscape of the area, subdivided into 15 Landscape Character Areas based upon local patterns of geology, landform, land use, cultural and ecological features which makes each area unique.

Landscape Wedges – are designated in both Urban and Rural areas to provide visual separation in built up areas, or between settlements.

Lifetime Homes – homes designed to incorporate the changing needs of individuals and families at different stages of life.

Listed Buildings – A listed building is a structure which the Department for Communities has included in a statutory list of buildings of special architectural and/or historic interest.

Living Over the Shop – the utilisation of existing retail premises with conversion of floors above shops in town centres into homes. Such conversion repopulates urban areas that have become places only to work or shop and during evenings and at weekends are often empty and desolate.

Living Places Urban Stewardship and Design Guide – Department for Infrastructure guidance published in September 2014, that aims to establish the key principles behind good urban place making.

Local Centre – small groups of shops and offices providing commerce and community services to a local population.

Local Landscape Policy Areas (LLPAs) – features and areas within and adjoining settlements considered to be of greatest amenity value, landscape quality or local significance and worthy of protection from undesirable or damaging development.

Mixed Use – development proposals comprised of a more than one land use such as residential and commercial, retail or cultural uses.

Northern Ireland Housing Executive (NIHE) – as the overall housing authority it seeks to ensure that everyone has access to a good affordable home in a safe and healthy community.

Northern Ireland Statistics and Research Agency (NISRA) – is the principal source of official statistics and social research on Northern Ireland. These statistics and research inform public policy.

Passive Solar Gain – the use of the sun's energy for the heating and cooling of living spaces.

Ramsar Site – designated for wetland conservation and wise use, recognising wetlands as ecosystems that are extremely important for biodiversity conservation in general and for the well-being of human communities. Stems from the Convention on Wetlands, called the Ramsar Convention that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.

Regional Development Strategy 2035 (RDS) - the spatial strategy of the Executive's Programme for Government. It informs the spatial aspects of the strategies of all government departments.

Retail Impact Assessment – undertaken for an application for retail use to assess its impact on the vitality and viability of existing retailing centres within the catchment area of the proposed development.

Rural Proofing – consideration of the needs of people living in rural areas when developing, revising or implementing strategies, policies or plans.

Scheduled Monuments – statutory designations of archaeological sites or other heritage assets of national importance protecting them from damage or disturbance.

Sites of Local Conservation Interest (SLNCIs) – designated for their characteristic habitats, species or earth science features. As well as making a contribution to local natural heritage, they contribute to National and European biodiversity.

Special Areas of Conservation (SAC) – are those which have been given greater protection under the European legislation of The Habitat's Directive. They have been designated because of a possible threat to the special habitats or species which they contain and to provide increased protection to a variety of animals, plants and habitats of importance to biodiversity both on a national and international scale.

Special Protection Area (SPA) – designated internationally important area for breeding, over-wintering and migrating birds.

Strategic Greenways – connect towns and cities to the villages and countryside across all eleven councils. Greenways aim to bring back into use much of the disused railway network and give people ready access to a safe traffic-free environment for health, active travel and leisure.

Strategic Planning Policy Statement for Northern Ireland (SPPS) – regional planning policies for securing the orderly and consistent development of land in Northern Ireland under the reformed two-tier planning system.

Strategic Settlement Evaluation – evaluation of all existing settlements in the area and identification of their role within the settlement hierarchy of the Local Development Plan.

Supplementary Planning Guidance (SPG) – guidance to be used in conjunction with the operational policies of this Plan Strategy.

Sustainability Assessment – to promote sustainable development through the integration of social, environmental and economic considerations of policies and proposals.

Sustainable Drainage Systems (SuDS) – alternatives to the direct channelling of surface water through networks of pipes and sewers to nearby watercourses. SuDS mimic natural drainage regimes by lowering flow rates and increasing water storage capacity to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment.

Sustrans – leading UK charity enabling people to travel by foot, bike or public transport for more of the journeys made every day. Sustrans works with communities, policy-makers and partner organisations so that people are able to choose healthier, cleaner and cheaper journeys, with better spaces to move through and live in. Sustrans supports development of the National Cycle Network.

Technical Supplements – specialist studies forming the evidence base for this Plan Strategy.

Urban Capacity Studies – for the purpose of the Local Development Plan an urban capacity study identifies potential sites for future housing growth within urban footprints and the capacity for different types and densities of housing.

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